ACTS

Done and Past in the second, third, fourth & fifth

SESSIONS

Of the First Triennal

PARLIAMENT

Of our Soveraign Lord

CHARLES,

By the grace of GOD, King of *Scotland*, *England*, *France* and *Ireland*, Defender of the Faith.

Holden at *Edinburgh*, *Stirling*, *Pearth*, *and* St. *Andrews respective*: Beginning at *Edinburgh* the seventh day of *January* 1645. and ending at St. *Andrews* the 4. of *February* 1646. according to the several Diets of the foresaids Sessions.

EDINBURGH,

Printed by *Evan Tyler*, Printer to the Kings most Excellent Majesty, 1646.

CUM PRIVILEGIO.

ACTS

Done and Paſſed in the Second, Third, Fourth & Fifth

SESSIONS

of the Firſt Triennal

PARLIAMENT

Of our Sovereign Lord

CHARLES

By the grace of God, King of

Scotland, England, France and Ireland,

Defender of the Faith.

Holden at Edinburgh, ſtirling, Perth, and

S. Andrews, Beginning at Edinburgh

the Seventh day of January 1643. and end-

ing at S. Andrews the 4. of February

1646. according to the Seventh

Dietes of the foreſaids Seſſions.

EDINBURGH,

Printed by Evan Tyler, Printer to the Kings

moſt Excellent Majeſty, 1646.

ACTS

DONE AND PAST IN THE second Session of the first Triennal Parliament:

Holden at *Edinburgh*, beginning the 7. of *January*, 1645. and ending the 8. of *March*, 1645.

ACT I.

Act Ordaining the Earl of Lauderdale to continue President during this Parliament.

7 January, 1645.



Orsameikle as the Estates of Parliament now conveened this seventh of *January* 1645 years. To the which day this Parliament was continued by the last Act of the first Session thereof, the 29 of *July* 1644. years, Taking to their consideration the desire of *John* Earle of *Lauderdale* President of Parliament, elected by the Estates of Parliament, in the foresaid first Session of this Parliament, Declaring, that he as President of Parliament, had ministred the Oath of Parliament to the whole members thereof present. And therefore represented to them, and desired that they would proceed to the election of another President in his place, conform to the 50. Act of the Parliament holden in *anno* 1641. Intituled, *Act anent the election of the President of Parliament*. The Estates of Parliament, after reading of the foresaid Act, anent the election of the President of Parliament: And of the first Act of the first Session of this Parliament, anent the election of the said *John* Earle of Lauderdale to be President in this Parliament,

Parliament, Findes, That by the Act of the election of *John* Earl of *Lauderdail* to be Prefident of Parliament, He is elected to be Prefident in this Parliament, and during the time thereof. And fo in refpect of the Act of his election, and of the Act made anent the election of the Prefident of Parliament, there can be no other Prefident elected and chofen, during the time of this firft Triennall Parliament.

ACT II.

Act anent the election of the Earle of Crawfurd to be Prefident of this Parliament, in place of the Umquhile Earl of Lauderdail.

20. *Jan.* 1645.

FOrfameikleas the Eftates of Parliament now conveened in the fecond Seffion of this firft Triennall Parliament, by vertue of the laft Act of the laft Parliament, holden by his Majefty and three Eftates, in *anno* 1641. Taking in conſideration, That the place of Prefident in Parliament doth now vaike by the deceaſe of Umquhile *John* Earle of *Lauderdail*, laſt Prefident of Parliament. And herewithall conſidering, That by their Act the ſeventh of *January*, they had nominated and chofen *John* Earle of Crawfurd-Lindſay to be Vice-Prefident of Parliament, in abſence and during the ſickneſſe of the ſaid Umquhile *John* Earle of Lauderdale; And being aſſured of the fidelity and abilities of the ſaid *John* Earle of Crawfurd, The ſaids Eſtates of Parliament did unanimouſly after voycing, elect and chooſe the ſaid *John* Earle of Crawfurd to be Prefident of this Parliament, conform to the 50. Act of the laſt Parliament, made in *anno* 1641. anent the election of the Prefident of Parliament.

ACT III.

Act anent the Deficients and Runawayes.

24. *January* 1645.

THe Eſtates of Parliament preſently conveened, in the ſecond Seſſion of this firſt Trinnall Paliament, by vertue of the laſt Act of the laſt Parliament, holden by his Majeſtie and three Eſtates in *Anno* 1641. Taking into their conſidration the great prejudice that befalls to the publike Service of this Kingdom through the not due execution of theſe Acts formerly made againſt Deficients and Run-awayes of the firſt and ſecond Leavies: And finding it neceſſary that all means be uſed for remeid and prevention thereof

thereof in time coming. They do Statute and Ordain, that the Acts already made hereanent be put in due execution, And for that effect Ordains & Commands all and sundry Officers (who are not members of Parliament sitting therein) and Souldiers of any Regiments within the Kingdom, To repair to their several Colours, These on this side of *Forth* within Ten dayes after the publication hereof; And these on the other side of *Forthe*, within Six dayes after the publication: And the Officers and Souldiers within any Regiments in *England*, To repair to their Colours, these on this side of *Forthe* within fifteen dayes, and these on the other side of *Forthe* within twenty dayes after intimation hereof: The Officers under the pain of losing of their places, and the Souldiers under the pain of death; Certifying them that failzies, the saids pains shall be execute upon them without favour. And Further, The Estates do hereby discharge all his Majesties Subjects from Reseting any of the saids Run-awayes, under the pains contained in the Act of Parliament made thereanent: And Ordains and commands the Committees of Warre in the Shires, To do exact diligence in making serarch for the Deficients, Runawayes, and their Resetters within their Shires, and such as shall come into their Shires without Passes from some of the generall Officers of the Army, or the Commander in chief of that Regiment wherein they serve: As also in up-lifting the Fines of the Resetters and Heretors that are deficient in the Levies, for which purpose they are hereby authorised to direct Precepts of Poinding, and give out such order as they shall think fitting for lifting of the saids Fines: And that out of the first and readiest thereof, and of the Excise, conform to the Act of Parliament herewith reprinted, the Run-away Souldiers be sent to their Colours, to receive punishment according to their demerits. And Ordains the Committees in the Shires, to send in an accompt of their diligence herein to the Parliament or Committee thereof monethly at least, and the first accompt to be sent in upon the first day of *March* next: Wherein if they failzie, they shall be lyable for Five hundred merks for each Horseman, and an hundred pounds Scots for each Footman, that are Run-awayes of Deficients in these Troops or Companies put out by that Shire: And Letters of Horning shall be direct against them for payment thereof. And the Estates of Parliament, Considering how necessary it is for the good of the publick Service, and better execution of this Act, That an exact trial be taken through the Shires of the numbers of Horse and Foot put out by them, They do therefore ordain and command the Committees of Warre in the severall Shires of this Kingdom, To cause make an exact List of the whole persons names who were put out of the Shires, either as Horsmen or Footmen in the first and second Levyes; with the persons names by whom they were put out, and the Officers names who received them, or money for them, and what was the proportion of money given therefore: And that they send in the same under their hand, with one or two of their own number, betwixt and the said first day of *March* next, under the pain of Horning.

With

With certification to them if they failzie, the said day being by-past, Letters shall be direct to denounce them Rebels, And to escheat, &c. And to the effect that their Rolls, and the carriage of the Officers may be the better cleared, It is hereby Statute and Ordained, That the Officers in the severall Regiments, shall give in under their hands a List of the Persons or Moneys received by them, and from whom, That the same being compared with the Lists sent from the Shires, It may be best known where the deficiency is, and a course taken for remeiding thereof: And discharges all Officers in time coming of taking of Moneys for up-lifting either of Horse or Foot, under the pains foresaids: And declars, That in case any persons shall give moneys to any Commander, The samen shall no wayes be ane liberation to these that payes the Moneys in time coming. And the Estates Ordains this Act, with the other made in the last Session of this Parliament concerning Run-awayes, To be Printed, and Published at the Market crosses of the head Burrows of this Kingdom and severall Parish Kirks thereof, wherethrough none pretend ignorance of the samen.

ACT IV.

Anent the Excise, and collecting thereof.

Ult. Januarii.

THe Estates of Parliament now conveened in the second Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament, holden by his Majestie and the three Estates in *Anno* 1641. Having taking to their consideration what may be the most expedient way for collecting the Excise least chargeable to the publike, and least troublesome to the Lieges: They after debate and resolution thereanent, Ordains the whole Excise of the Kingdom, to be collected and gathered in as follows, *viz.* They give power, warrand, and commission, to the Magistrates and Councell of the whole Royall Burrows of the Kingdom, and such as the Magistrates and Councell of ilk Burgh shall appoint and be answerable for, To collect, ingather, and up-lift the whole Excise within the bounds of their severall Burghs, Pendicles, and Liberties thereof, from all persons whatsomever within the samin, lyable in payment of Excise. And Ordains the saids Magistrates and Councell, and these to be apponted by them, and for whom they shall be answerable, as said is, To do their exact and faithfull diligence hereanent. And to make compt, reckoning, and payment of the whole Excise within their severall Burghs and bounds thereof *respective* forsaids, To the Commissioners for the Excise, as is appointed by their Acts set down thereanent; And allows to the saids Magistrates and Councell of ilk Burgh, ten of ilk hundred of the Excise foresaid, appointed

to be

to be collected by them, as said is, To be dispoſed upon by the ſeveral Burghs, for publick, pious and charitable uſes within their burghs, and for payment to their Sub-Collectors of their Fees, at ſuch proportion as the Magiſtrates and Councell of ilk Burgh ſhall oppoint and think fit to give them. And als the Eſtates, gives likewiſe power, warrand, and commiſſion to ſuch perſons as are Elders and Deacons of ilk Landwart Parochine of the Kingdom, and ſuch as they ſhall appoynt and be anſwerable for, To collect, uplift, and gather in the whole Exciſe, within their ſeverall Paroches, from all perſons lyable in payment thereof. And Ordaines them, To do their exact and faithfull diligence thereanent. And to make compt, reckoning, and payment of the ſamin, To the collectors of the ſeverall Shires, within the which their ſaids Parochines lyes. And Ordains theſe collectors of the ſeverall Shires, To make compt, reckoning, and payment of the whole Exciſe of their Shires, to the ſaid Commiſſioners for the Exciſe, in manner as is appoynted and preſcribed by the ſaids Commiſſioners for the Exciſe, their Acts made and ſet down by them thereanent; For taking compt and payment from the Collectors of the ſeverall Shires of the Kingdome. And the Eſtates allowes Ten of ilk hundered of the ſamine Exciſe for collection thereof, And for the other pious uſes after ſpecified, to be imployed as follows, *viz.* Sik part thereof to the Collectors of the Shires for their Fees, as the Commiſſioners for the Exciſe ſhall modifie, Not being within one, nor exceeding four of the foreſaid Ten for the hundred; And Ordains the ſuperplus of Ten for ilk hundered of the ſaid Exciſe to be diſpoſed upon for publike, pious, and charitable uſes within the ſeverall Paroches *reſpective*, whereout of the Exciſe is collected, and for payment to the Collectors thereof, within the ſamine ſeverall Paroches of their Fees for collection of the Excile, at the ſight, and by the direction of the Kirk Seſſions of the ſeverall Paroches, and as they ſhall think fit to allow and modifie to the Collectors of the ſeverall Parochines, for their Fees, pains and charges, as ſaid is. And becauſe there is Exciſe already up-lifted in ſundery parts of the Kingdom, both to Burgh and Landwart by the Collectors formerly appoynted for that effect, The Eſtates Ordains the Commiſſioners for the Exciſe preſently with all conveniencie, To call before them theſe collectors, and cauſe them make compt, reckoning, and payment of their whole intromiſſions. And for the reſt of the whole bygone Excife, not yet collected, Ordaines the ſame to be collected, uplifted and ingathered from all perſons lyable in payment thereof, by the Magiſtrates, and ſick as they ſhall appoynt within their Burghs, Pendicles, and Liberties thereof: And by the Elders and Deacons, and ſick as they ſhall appoynt within the whole ſeverall Landwart Paroches of the Kingdom, And to make compt, reckoning, and payment of the ſame, to the Commiſſioners for the Exciſe. And where they ſhall finde any perſons, That in regard of their poverty, are not able to pay all by-gone Exciſe, The Eſtates Ordains ſick parts and portions of the bygone Exciſe, to be tane from theſe poor perſons as they

they are able to give. And declares, That the Testificates of the Magistrates for the Burgh, and Kirk Sessions for Landwart *respective*, given upon their credits, anent the inhability of the saids persons, to pay their whole bygone Excise, being produced before the Commissioners for the Excise, shall be sufficient to infer liberation to the saids Magisttates, Elders, and Deacons *respective pro t anto*, for the sums contained in these Testificates. And for the more clare collecting of the Excise of Ale, Beer, and Wines, fra whom the samine shall be tane, The Estates Ordaines the Excise of the Ale, Beer, and Wines, to be collected, uplisted, and gathered in from the Brewers, Topstars, and Vintners *respective*, of Ale, Beer, and Wines, according to the proportion and quantity *respective*, made use of, topted, or sold by them, with the provisions connained in the Act of Parliament. And Ordaines this manner of the collecting of the Excise of the Ale, Beer, and Wines, to stand and be observed: Notwithstanding of the Acts made by the Committee of the Estates, and Commissioners for the Excise, upon the 20. and 21. dayes of December last by-past: Which Acts the Estates reschindes and discharges in so far as the samine are or may be derogatory hereto, in any manner of way. Likes the Estates of Parliament, Ordaines the Gudlines with the interest due, advanced, and payed by the Burrows, and their Burgesses *respective*, for Arms brought home to the Kingdom, and the prices of the Silver-work given in for the use of the Publick, With the quarterings of Souldiers to be first payed out of the foresaid Excise, conform to the Act of the Committee of Estates made thereanent, and conform to the particular Acts granted to the severall Burghs, their Burgesses, and others persons *respective* for payment of their saids Gudlines and price of their Silver-work. And thereafter Ordains the annuelrents of the moneys addepted by the publick, to any person in Burgh and Landwart, to be payed out of the foresaid Excise, conform to these Creditors their Bands, Securities, and Warrands *respective*, granted to them by the publick, for payment of their saids debts. With power also to the Commissioners for the Excise, To receive, fit and allow, as they shall think reasonable, the whole compts of the quarterings, with the Bands, Warrands, and Securities, granted for payment of the Gudlines, Silver-work, and others publick debts. And after sight thereof, and fitting and allowing of the compts of the quarterings, To give precepts and warrands for payment thereof out of the Excise, according to the order before prescribed, and conform to the Acts of the Commissioners for the Excise, anent the granting of the saids precepts. And sicklike the Estates of Parliament Ratifies and approves the Commission granted to the Commissioners for the Excise, and whole remanent Acts and Ordinances made and set down for ingathering thereof, and not hereby altered nor reschinded, in manner above written. And Ordains the same to stand in force and strength, as is set downe in the Act of Parliament, except in so far as the same are hereby reschinded or altered, as said is. And farther the Estates by thir presents, Gives full power and warrand to the

Commis-

Commissioners for the Excise, To ferme the Excise of the Wines to the severall Burrows of the Kingdom, ilk Burgh for their own parts, as the Burrows shall desire the ferming thereof, and that for payment of sick duty therefore and upon sick security for payment thereof, as the Commissioners for the Excise shall finde most usefull and profitable for the benefit of the Publick. And Ordaines Letters of Horning to be direct, charging these persons who shall be nominate and appointed Collectors of the Excise to the effect *respective* above specified, to accept of the samine Office. And Ordaines thir presents to be publisshed and [illegible]nted.

ACT V.

Commission for the Exchequer.

1. *February* 1645.

THe Estates of Parliament now conveened, in the second Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament, holden by his Majesty and three Estates, in *Anno* 1641. Taking to their consideration, That there was ane Commission of Exchequer granted to ane certain number of Noblemen, and others, may whose help, counsell, and advice the managing and government of his Majesties Rents, and others after-mentioned, competent to the Exchequer, in manner underwritten, was to be guided, ruled, and directed, Did expire at the beginning of this present Parliament, whereby his Majesties service, and good of the Lieges would be greatly prejudged, if the said Commission were not renewed. As also considering, that for the good of his Majesties service, and ease of his subjects, They have made and constitute *John* Earle of Crawfurd-Lindsay, Commissioner for the Thesaurarie, Comptrollarie, and Thesaurarie of his Majesties new Augmentations within this Kingdome: But prejudice alwayes to Sir *James Carmichael* of that ilk Knight, Thesaurer-Deputy of his gifts, of his office foresaid, and whole liberties, Power, and Priviledges belonging to the samen, as the Acts of Parliament made thereanent bears. Therefore they have made, named and constitute, and by the tenor of thir presents, makes, names, an constitutes; *John* Earle of Lowdoun Chancellour, *Robert* Earle of Roxburgh Privie Seale, *William* Earle of Lanerk Secretary, Sir *Alexander Gibsone* of Durie Clerk of Register, Sir *Thomas Hope* of Craighall Knight, his Majesties Advocate, Sir *Iohn Hammiltoun* of Orbestoun Knight, Justice-Clerk, Sir *Andrew Fletcher* of Innerpeffer Knight, Sir *Iames Leirmonth* of Balcomie, Sir *Iames Macgill* of Cranstoun-riddell, Sir *Iohn Hope* Lord of Craighall, Sir *Alex. Falconer* of Halkertoun, Sir *Iohn Leslie* of Newtoun Knight, Sir *Iohn Scot* of Scottistarbet Knight, ordinary Lords of the Session, and Sir *Iames Lockhart* of Ley, Commissioners of Ex-

chequer, That they concurre and assist the said *John* Earle of Crawfurd-Lindsay, Commissioner for the Thesaurarie, and representing the place of high Thesaurie, Comptroller, and Collector of his Majesties new Augmentations within this Kingdom, & the said Sir *James Carmichael* of that Ilk, Knight, his Majesties Deputy in the saids Offices: Likeas The saids Estates of Parliament, have given, and by this presents gives full power and Commission to the said *John* Earle of Crawfurd-Lindsay Commissioner, and representing the place of high Thesaurer, and the said Sir *James Carmichael* his Majesties Deputy Thesaurer in his absence: Together with any two of the said Commissioners, To receive Resignations, Surrenders and Commissions of all Lands, Baronies, Castles, Towres, Fortalices, Kirks, Benefices, Tiends, Patronages, and others whatsomever, lying within this Kingdom of Scotland, which of their own nature may be resigned, surrendred, and dimitted in his Majesties hands for himselfe, or as administrator to his dearest son the Prince, either in their own favours *ad perpetuam remanentiam*, or in the favours of whatsomever his Majesties Subjects, and to give, grant, and expede all and whatsomever Signators, Gifts, Infeftments, Confirmations, Dispositions, and others Rights and Securities requisite upon the saids Resignations, Surrenders, and Dimissions, or vacand by any other manner of way, whereby the saids Lands, Baronies, Kirks, Teinds, Patronages, and others forefaids shall happen to vaike in his Majesties hands, or the Prince his hands by reason of Recognition, Bastardries, last heir, Declarator, Reduction, Apprysing, or other manner of way. And to give and expede new Gifts and Dispositions, with all clauses necessary and used in the like cases, To be holden conform to the tenor of their old Infeftments, and for payment of the Duties and Conditions therein expreſt. Likewise with power to give and expede all gifts of Wards, Non-entresses, Eschеits, Life-rents, and others Casualities whatsomever vaiking, or which in whatsomever manner of way vaik in his Majesties hands or the Prince his hands, and for payment of reasonable compositions therefore: And also to set Tacks of his Majesties Customes and Imposts, according to the forme contained in former Commissions: And likewise to grant Remissions to transgressors of whatsomever penall Statutes upon reasonable compositions, as said is: And to grant Remissions for slaughter, upon sight of Letters of slaynes, and for adultery upon testimoniall of their repentance and satisfaction to the Kirk. Reserving alwayes to his Majesty to grant Remissions for crimes of greater moment and consequence. And generally to compone, transact, and agree in all and whatsomever things touching his Majesty, or the Princes Rents, Customes, or Casualities of this Kingdome, or that in any wayes may belong to the said Offices of Thesaurarie, Comptrollarie, or Thesaurarie of new augmentations pertaining or that in any wayes may pertain to his Majesty, or the Prince upon reasonable compositions, as said is. And with power to the said *John* Earle of Crawfurd-Lindsay, Commissioner, and representing the place of high Thesaurer foresaid, and in his

his absence, to the said Sir *James Carmichael* Deputy Thesaurer, with any two of the other Commissioners of Exchequer foresaids, To sit, cognosce, and determine in all actions and causes incumbent or touching his Majesties Rents, and others incumbent to the Exchequer sicklike, and als freely as may be done by the Lawes of the Kingdome, and last Act of Parliament. And for that effect, With power to the said *John* Earle of Crawfurd Lindsay Commissioner, and representing the place of high Thesaurer, and in his absence the said Sir *James Carmichael*, with the saids Commissioners, or any two of them, To conveen and meet at such times and occasions, and in such places as they shall think expedient, and there, all and sundery businesse publikely to do and expede, which may concern the premisses, and no farther. And Ordains Letters of Horning and Poinding, and others Executorialls necessary, according to the custome observed in the like cases. And that the Compositions to be payed by his Majesties Subjects, for expeding of the saids Gifts, Signators, and others Rights foresaid, chiefly of his majesties Propertie and Principalitie, may be done with a due proportion and consideration of the benefit arising thereby. Therefore the saids Estates Wills and Ordains the said *John* Earle of Crawfurd-Lindsay, Commissioner foresaid, and in his absence the said Sir *James Carmichael*, Deputy-Thesaurer, To meet and conveen certain dayes in the ordinary Exchequer-house, where the saids Signators are to be presented, To treat, deal, do, and consider with the Parties presenting the saids Signators, and for trying the worth, casualitie, and benefit sought thereby, and to move the Parties to pay reasonable Compositions, and to consult upon the saids Compositions: And the saids Estates Wills, That the Compositions of every Signator be publickly set down, and in open Exchequer in publick meetings, by the said *John* Earle of Crawfurd-Lindsay, and in his absence by the said Sir *Iames Carmichael*, Thesaurer Depute, with consent of the saids Commissioners, or any two of them, as said is, and not within the said number. And the saids Estates Declares, That this present Commission shall be but prejudice of the said Sir *Ja: Carmichael* his gift of Thesaurer Depute during his life time, and of the whole Priviledges & Liberties therein contained, which are holden as herein expreset, and without adding or pairing thereanent, as said is. And also the saids Estates Declares this present Commission to endure to the next Seisson of this present Parliament, Discharging hereby all former Commissions of Exchequer, granted before the date of this present Commission: with provision alwayes, that this present Commission, nor any thing therein contained, shall not derogate from the Commission of Privie Councell, Commission of Teinds and Surrenders, But that they remain in their own vigor, unprejudged, stopped, or any wayes altered, notwithstanding of whatsomever heads and clauses contained in this present Commission. Which Commission the Estates Declares shall onely endure to the said next Seision of this present Parliament.

ACT VI.

Act anent the In-bringing of the Loan and Taxt.

1. *February* 1645.

THe Eſtates of Parliament now conveened in the ſecond Seſſion of this firſt Triennal Parliament, by vertue of the laſt Act of the laſt Parliament, holden by his Majeſty and three Eſtates in *Anno* 1641. Taking in conſideration the great ſlowneſſe and backwardneſſe in the Shires to pay their Loan and Taxt granted by the Convention of Eſtates, and appoynted to have been payed eighteen moneths ſince, or thereby. Inſomuch as the moſt part of the Shires have not, nor will not give in their Accompts of their Loan and Taxt: Notwithſtanding the neceſſity and prejudice, the ſervice of the Publick ſuſtains for want of money, albeit there be nothing more due than the Loan and Taxt granted by the Eſtates for that ſervice; They do therefore Command and Ordain, the whole Sub-collectors of the Loan and Taxt, who hes not yet given in, cleared, and perfected their compts thereof, To bring in to the Collector generall of the Loan and Taxt, and his Deputes, their whole Accompts of the ſamine, Together with the diligence done by the Sub-collectors, conforme to the Act of the Convention of Eſtates for ingetting of the Loan and Taxt. And to clear and perfect their ſaids accompts and diligence done by them thereanent, betwixt and the dayes underwritten, *viz.* Theſe Sub-collectors for the Shires be-ſouth *Spey*, betwixt and the twenty day of February inſtant, and the Sub-collectors for the Shires be-north *Spey*, betwixt and the firſt day of March next without farther delay: That thereby it may be cleared who hes payed, and who not, and where the fault and deficiency is, With certification to the Sub-collectors and they failzie, They ſhall be compelled to pay the whole Loan and Taxt layed on the Shires whereof they are Sub-collectors, without any allownce or deduction whatſomever to be granted of any deburſements for Leavie money, Tranſport money, or any other cauſe. And alſ, The ſaids Eſtates hereby Ordaines and Commands the whole Heritors and others lyable in payment of the Loan and Taxt, who hes not yet payed the ſame, To make payment thereof or ſuſpend betwixt and the days *reſpective* above-written. To the Sub-collectors of the Shires, That the Sub-collectors may the more clearly compleat their Compts, and report their diligence at the time and in manner before ordained: With certification to the Heritors and others lyable in payment of the Loan and Taxt, and they failzie, They ſhall be compelled to pay the whole Loan and Taxt not yet payed without deduction of leavie money, and Tranſport money, either for Horſe or Foot, or any other deduction appointed by the Act of the Convention, to be granted to timeous payers.

And

And farther, To the effect it may be seen to the Estates of Parliament, That the valuations of the severall Shires are made conform to the order prescribed by the Act of Convention of Estates; They therefore Ordains and Commands the Commissioners and Valuers for the whole severall Shires of the Kingdom, nominate and appointed by the said Act of Convention for valuation of their said severall Shires, to bring in and produce to the Collector Generall and his Deputes, betwixt and the dayes *respective* above mentioned, the whole valuations of their severall Shires Parochies thereof, conform to the said Act of Convention, *viz.* These Valuers for the Shires be-South *Spey*, betwixt and the twenty day of February instant; and these for the Shires be-North *Spey*, betwixt and the first day of March next, under the pain of Rebellion, and putting of them to the Horn: And if they failzie, To denounce and escheat, &c. And in respect That there are some Shires and persons that questions the payment of their Loan and Taxt, without they get deduction therein of Leavie mone and transport-money, for the Horse and Foot put out by them in the second Leavie; Which desire, The Estates findes groundlesse and unreasonable, The same not being sought nor granted to any of these who hes already paid their Loan and Taxt for the Horse or Foot put out by them in the second Leavie. And so is reasonlesse due to such as hes not yet payed their Loan and Taxt. The Estates for clearing hereof, Findes and Declares, That there is no deduction of Transport-money or Leavie-money, due to be granted of the Loan and Taxt for the Horse or Foot put out in the second Leavies: And therefore they discharge *simpliciter* the seeking of granting of any deduction therefore in the payment of the Loan and Taxt. And that none pretend ignorance anent the premisses, Ordaines thir presents to be Printed, and published by sound of Trumpet at the Market Crosse of Edinburgh, and by Messengers of armes at the head Burghs of the severall Shires of the Kingdom.

ACT VII.

Discharging the Printing or Re-printing of some Books.

12. *February* 1645.

THe Estates of Parliament now conveened, in the second Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament holden by his Majestie and three Estates in *Anno* 1641. Ratifies and approves the Act of the Generall Assembly of the tenth of February instant, whereof the tenour follows. The Generall Assembly having appointed M. *Robert Boyd* of Trochrig his Commentary upon the Ephesians to be Printed by *Robert Bryson*, and having appoynted the Continuation of the History of this Kirk to be revised by the Commissioners of the

Assembly

Assembly, and thereafter to be Printed within the Kingdom, by the consent of the Author; And understanding that M. *David Dickson* hath already Printed a short Explication of all the Apostolicall Epistles, Therefore that their undertaking of the Printing of the saids Books be not wronged, Discharges any to Print, Re-Print, or bring from other Kingdoms the saids Works, without consent of M. *John Boyd* of Trochrig, and of the Authors of the other Works *respective*. And most seriously recommends to the Honourable Convention of Parliament, that their authority with their civill sanction be interponed thereto, in the whole Heads and Articles above-mentioned of the said Act. And the Estates of Parliament do hereby interpone the authority of Parliament to the foresaid Act, And Ordaines the same to have the strength and effect of a Law for the space of fifteen years following the date hereof.

ACT VIII.

Anent the Printing of the Warning from the Generall Assembly.

13. *February* 1645.

THe Estates of Parliament now conveened, in the second Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament holden by his Majestie and three Estates in *Anno* 1641. Having heard the Warning presented unto them from the Generall Assembly read in their audience, Received the same cheerfully as a seasonable Warning, and appoints the same to be Printed, And ordains the Earle of *Crawfurd-Lindsey* President of the Parliament, to give thanks from the Parliament to the Assembly for their care, paines, and vigilancie expressed therein till.

ACT IX.

Anent the selling of the Lands of forfaulted persons.

20. *February* 1645.

THe Estates of Parliament now conveened in the second Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament, holden by his Majesty and the three Estates in *Anno* 1641. Considering that the Estates of Parliament by their Act of the date the 27. of July 1644. Considering that it was against all equitie and reason, That the Vassals, Cautioners, and true and reall Creditors of any person or persons, of whatsoever qualitie, that should be forfaulted in this present Parliament, or at any time thereafter, should be prejudged by the forfaulture of the saids persons of their right of propertie of any Lands, Woodsets, and

others

others, holden by them of the saids forfaulted persons, or of the payment of their just Debts, and relief of their true and reall Cautionries, for payment and relief whereof the saids forfaulted persons stood obliged, the saids Vassals, Creditors, and Cautioners foresaids, not being airt, pairt, accessarie, nor assisting to the crimes for which the sentence and doom of forfaulture was or should be decerned: Therefore the saids Estates fand, decerned, and declared, That the Vassals of any person or persons of whatsoever qualitie, who were or should happen to be forfaulted in that present Parliament, or at any time thereafter, for whatsoever cause, ground, or occasion whereupon sentence and doom of forfaulture should be given and pronounced against them, should not be prejudged anent their right and property of the Lands, Annuall-rents, wodsets, and others holden by them of the saids forfaulted persons; but that the saids Vassals should be in that same case and condition with these who comes in the right and place of the saids foresaulted persons, as the saids Vassalls were with the samin forfaulted persons, their Superiors, before the sentence and doom of forfaulter, The saids Vassals no wayes being airt, pairt, accessory, nor assisting to the saids forfaulted persons in the committing of the crimes or deeds, for the which the sentence or doom of forfaulter was or should be given against them, as said is. And also found and declared, That the true Creditors and Cautioners of the saids forfaulted persons, or these who had any part of the Fines assigned to them by the Publick, should no wayes be prejudged by the foresaid forfaulter, anent the payment of the saids Creditors, or their reall, just and due debts owing and assigned to them, and anent the saids Cautioners their reliefe of their just and true Ingagements, and Cautionaries, but that the saids Creditors and Cautioners *respective*, should have action and execution for their payment and relief *respective*, against the Lands and Estates of the forfaulted persons, their Debters sicklike and in the samin manner, as if they had not been forfaulted; Providing the saids Creditors and Cautioners have not been airt, pairt, accessory, nor assisting to the saids forfaulted persons in the committing of the Crimes for which they were or should be forfaulted: And with provision, That they be Vassalls, Creditors, and Cautioners before the Committing of the Crimes, whereupon the forfaulter follows, as the said Act of the date foresaid proports. And The saids Estates of Parliament now presently conveened also, considering, That several persons were forfaulted in the last Session of this present Parliament, and that divers and sundery persons are and have been forfaulted in this present Session of Parliament, As also considering, That it is expedient both for the weale of the lawfull Creditors and Cautioners of persons forfaulted heretofore, or who shall happen to be forfaulted hereafter: And for the weale of these to whom the persons forfaulted, or who shall happen to be forfaulted in this present Session of Parliament, are bound as Cautioners for any other person or persons. And als for the weal of the Publick, for defraying of the Publick charges of the Estates of this Kingdom, That a just and expe-

dite way be taken for the discovery of the just and lawful debts owing by any person or persons, either already forfaulted before the date of thir presents, or who shall happen to be forfaulted heareafter in this present Session of Parliament, to their just and lawfull Creditors, to whom the saids persons forfaulted, or to be forfaulted, are debters as Principals, or whom the saids persons forfaulted, or to be forfaulted, are debters in the way of lawful relief: They being Cautioners for the saids persons forfaulted, or to be forfaulted, or to whom the saids persons forfaulted, or to be forfaulted are Cautioners for any other person or persons. And to the effect, that all person or persons, who are either Creditors or cautioners to the persons forfaulted, or to be forfaulted, or to whom the saids persons forfaulted, or to be forfaulted are Cautioners, May in due time, both for their own, and the publick weal, make their debts owing to them by the saids persons forfaulted, or to be forfaulted, either as Principals, or Cautioners in manner abovespecified, known to the Estates of this Kingdom, that they may have the benefit of the foresaid Act of the date the 27. July 1644. And that their debts being known and satisfied, and payed by the course after specified, the remainder of the lands, Estate, and Goods of the foresaids persons forfalted, or to be forfaulted, and hail farther benefit thereof, may expeditely and conveniantly come in to the Estates of this Kingdome, for the weale of the publick, and for the relief of the Publick Burdens. Therefore the saids Estates of Parliament Statutes and ordains, That all person or persons whatsoever, to whom any person already forfaulted before the date of thir presents, or who shall happen to be forfaulted in this present Session of Parliament, Is addebted justly and really in any sums of mony, or any otherwise, either as Principall Debters, or as Cautioners for any other persons. And als that all persons who are Cautioners for any persons already forfaulted, or who shal happen to be forfaulted in this present Session of Parliament to their lawfull Creditors, Shall exhibite and produce before the Committee of Estates, to be appoynted to sit at *Edinburgh*, or where it shall happen them to be for the tyme after the rising of this present Session of Parliament, Their whole Rights, Writs, Evidents, and other lawful Securities, whereby the saids persons forfaulted, or to be forfaulted in this present Session of Parl. are their just and reall debters, either as Principal Debters to them, or as Debters to them as Cautioners for other persons, or whereby they are Cautioners for the saids forfaulted persons, or to be forfaulted in this present Session of Parl. And which Cautioners the saids forfaulted, or to be forfaulted persons in this present Sesion, are obliged in law to relieve. And that the production of the foresaids Writs, Evidents, and Securities, in so far concerns any person forfaulted heretofore, or in the present Sesion of Parl. be made by the Creditors & Cautioners, so many of them as are without the Country, within three moneths, and these that are within the Country, within threescore dayes after publication hereof at the Head Burghs of the severall Sheriffdomes within the Kingdom: With certification to all and whatsomever the

Creditors

Creditors of the persons already forefaulted heretofore, or to be forefaulted in this present Session; That if they failzie, To exhibit and produce before the Committee of Estates Their foresaids Writs, Evidents, and Securities, made to them by the saids forefaulted persons within the Diets *respective* foresaids: That the foresaids Creditors, shall never in any time thereafter, Have any action against the Lands, Estates, and Goods of the foresaids forefaulted persons, for payment of their debts upon the pretence of the foresaid Act of the 27. July last, or upon any other pretence whatsoever: But that the lands, Estate, and Goods of the foresaids forefaulted persons shall pertain to the Publick. Neither shall they have any action against their Cautioners, but prejudice alwayes to them after production, in manner, and at the time foresaid, to take presently back their Writs and Pursue: But prejudice also to the saids Creditors of their action and execution competent to them against their Cautioners, conforme to their Bands and Rights. It is also declared for the Cautioners of the saids forefaulted, or to be forefaulted persons, that they shall not be holden to produce the Writs and Bands wherein they are Cautioners, But onely to give in a note under their hands of the names of the Creditors to whom they are Cautioners, and of the sums contained theintill (Because the Writs and other Securities wherein they are Cautioners, are not their evidents and in their option, but in the hands of the Creditors to whom they are principally made) Likeas the saids Estates of Parliament, finds and discerns the samin to pertain to the publick for relief of their publick Debts and Burdens in all time hereafter, without any burden of payment of the Debts owing to the saids Creditors failzing, to produce and make known their Debts, at the time, and in manner foresaid. It is also declared, That where the Creditors or Cautioners are Minors, Their Tutors and Curators are oblidged in the like manner, To produce their Bands, Rights, or Notes, or otherwise be lyable to their Minors, for refounding their damnage and interest. Likeas also the Estates of Parliament, considering That the foresaid persons already forfaulted, may be engaged in manner above specified either as principals or Cautioners to divers and severall persons their Creditors: To which Creditors no present payment of their Debts can be made in a present convenent and expedit way, without the selling of the Lands, Heritages, and Estates, which pertained to the foresaids persons forefaulted before their forefaulter; the sale whereof cannot be expeditely done, neither for the weale of the saids Creditors, nor for the weale of the publick. And to the effect the saids Creditors may receive satisfaction in a just and reasonable way, out of the saids forefaulted persons, their Lands, Heritages, and Estate, And that the benefit of the residue thereof, may come into the Publick of this Kingdome; Therefore the Estates of Parliament, Decernes and Ordaines That the foresaids Creditors or Cautioners shall be obliged, To accept a proportionall part of the Lands and Heritages of the saids persons forefaulted their Debtors *respective*, for their Debts owing to them, being instructed at the time and in manner abovespecified, at

the sight and determination of the said Committee of Estates: And that at the rate and proportion of One hundreth Merks of ordinary yearly constant Rent, for ilk Sum of Two thousand Merks, addebted by the saids forefaulted persons, to their said Creditors or Cautioners, or otherwayes, to be deprived of the benefit of the Act of Parliament 37. July 1644. and to be reduced to the old estate of the Creditors of forefaulted persons, as if the samin had never been made. Likeas also, It is statute and Ordained, That the superplus of the Lands, Heritages, and Estate of the foresaids forefaulted persons (their Creditors foresaids being satisfied in manner abovespecified) shall and may be divided in parcels, and sold and disponed by the Estates of this Kingdom, or by the said Committee of Estates to any buyer whatsomever, paying present money over the Table, at the rate of one hundreth Merks of yearly constant Rent for ilk sum of One thousand Merks, as the price thereof: And where present money for the Lands cannot be had nor offered, that then they may be sold and disponed to any person to whom the Publike is addebted, They advancing in ready money the one halfe, at ten years purchase, and accompting in payment of their debts, being lent money, or furnishing to the Armies: the other half, at the rate of fifteene years purchase. Likeas, The saids Estates of Parliament, do by thir presents, give full power and Commission to the said Committee of Estates, To divide the Lands, and others of the foresaids forfeited Persons, And to that effect, To take up the just and true Rentall thereof, and to estimat and convert Victuall and other Rent (not being silver Rent) and to redact the samine to money Rent, and to sell and dispone the residue and remainder of the Lands, Heritages, and Estates of the foresaids forfeited Persons to any Buyer, at the rate and in manner foresaid. Likeas, The Estates of Parliament decernes and declares, That the Dispositions so to be made thereof to the foresaids Creditors above-specified, and to the saids Buyers, shall be valide sureties to them thereof, in all time coming. And sicklike Ordaines Infeftments to passe under the Great Seal, upon the foresaids Dispositions, to be made by the said Committee of Estates, of the Lands and others, holden of the Kings Majestie, and Prince. And Presentations to be granted by the said Committee of Estates, to other Superiours, of so many of the foresaids Lands, and others abovespecified, as are holden of the saids others Superiours.

ACT X.

ACT X.

Anent the allowing of Quarters where the Quarter-masters and Officers Tickets are not given.

22. *February* 1645.

THe Estates of Parliament having heard and considered the *Quere* from the Commissioners for the Excise, desiring to be resolved, what they shall do in this case, *viz. When these people who has given Quarters to Souldiers comes in to the Commissioners of Excise, to make Compt and seek payment for their Quarters, and do not produce Tickets from the Officers under their hands, nor any publick order for their Quartering*; Together with the opinion of the said Committee thereanent.

The Estates declares, That where there is no Tickets left by the Officers or Quarter-masters for the Quarters, In that case two of the Kirk-Session of any Parochine, with any one of the Committee of War of the Shire where that Parochine lyes in Landward; And the Magistrates within Royall Burghs, or any two of them, Shall take the Oaths of the Heritors, Tenants, and Inhabitants, on whom the Companies and Troops are Quartered, upon what is due for Quartering: Which being reported under the hands of these so appointed, Shall be a sufficient qualification to the Commissioners for the Excise to allow the same, that they may be paid accordingly.

ACT XI.

Anent the Maintenance of the Armie, and Moneys to be raised for that effect.

February 27. 1645.

THe Estates of Parliament now conveened, in the second Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament, holden by his Majestie and the three Estates, in *Anno* 1641. Taking to their consideration the great prejudice and danger which the Kingdom and Religion have already sustained, by the late Invasion of the Irish Rebels, and our unnaturall Countreymen; and how necessarily it is incumbent to them being now conveened, to provide for all speedy and solid remedies against the same: For which effect finding it most expedient, That not onely this Kingdom may be put in ane just Posture of Defence; but also, That ane constant and setled way may be established for prosecuting, with Gods assistance, the War against the saids Invaders in an hostile manner, to their utter overthrow and destruction; Have therefore thought fitting for the more speedy execution hereof, and for leavying and recruting their

Forces after-mentioned, and for the constant Maintenance of the same in the most easie and proportionable equall way for the Lieges; To enact, statute, and ordain: Likeas for that effect, they enact, statute, and ordain their presents following, To be obeyed and observed by all the Subjects of this Kingdom, under all the pains hereafter expreſt.

In the first, That the Country may be freed of Quarterings, Billettings and plunderings, and that the Laborers and Tradesmen may do their labour at home, except upon extream necessity; It is thought fit for the ease of the Kingdom, and most certain for the pay of the armie, That every Shire and Burgh shall entertain from the first day of March next to come, to the last day of August next thereafter inclusive, a proportion of Forces, Horse and Foot, as well Souldiers as officer, according to the rule of Loan and Taxt, extending in the whole to the number and sums contained in the Rols following, which are declared to be the two part of the pay due to be paid within Scotland to the Officers of Horse and Foot, and to the Souldiers of Foot Fourteen shillings to the Trouper: The third to run in arreats to the said Officers and Foot Souldiers, and Four shillings to the Horse and a proportionable part to the Dragooners.

Here follows the tenor of the said Rols, payable to the Officers of Horse, Foot and Dragooners, by the Shires and Burrows, conform to the devision and proportion following, *viz.* The monethly pay of ane Regiment of Horse in their quarters, being the two part of their pay, conform to the Scots establishment: Officers of the Stand Lonell *per mensem* 333 l. 6 s. 8 d. Lieutenant Colonel 200 l. 133 l. 6 s. 8 d. Minister 26 l. 13 s. 4 d. Regiment Quarter-master 45 l. Chyrurgion 30 l. Eight Root-masters, each of them 100 l. *per mensem inde* 800 l. Eight Lieutenants, each of them 45 l. *per mensem inde* 360 l. Eight Cornets, each of them 36 l. *per mensem inde* 288 l. Eight Quarter-masters, each of them 30 l. *per mensem inde* 240 l. Twenty four Corporals, each of them 24 l. *per mensem inde* 576 l. Eight Trumpeters, each of them 20 l. *per mensem inde* 160 l. Six hundred Troopers each of them 14 s. *per diem*, is 21 l. *per mensem inde* 12600 l. The monethly Pay of a Regiment of Foot in their Quarters conform to the Scots establishment, being two part of their Pay: Colonel *per mensem* 222 l. 4 s. 4 d. Lieutenant Colonel *per mensem* 133 l. 6 s. 8 d. Major *per mensem* 88 l. 17 s. 4 d. Minister *per mensem* 26 l. 13 s. 4 d. Regiment Quarter master *per mensem* 30 l. Chyrurgion 30 l. Drummer-Major *per mensem* 12 l. Regiment Scriver *per mensem* 20 l. Provost Mershal *per mensem* 12 l. Ten Captains *per mensem* 666 l. 13 s. 4 d. Ten Lieutenants *per mensem* 300 l. Ten Ensignes *per mensem* 240 l. Twenty Serjeants *per mensem* 200 l. Thirty Corporals *per mensem* 240 l. Ten Captains at Armes *per mensem* 100 l. Nineteen Drummers *per mensem* 152 l. Ane thousand common Souldiers *per mensem* 6000 l.

Follows the sums Monethly payable according to thirty dayes *per mensem*: Together with the number of men to be entertained by the Shires and Burghs according to the Taxt, *viz.* Orknay 127 men, monethly

monethly Pay 1143 l. Innerneſſe 464 men, monethly Pay 4176 l. Caithneſſe 105 men, monethly Pay 945 l. Cromarty 111 men, monethly Pay 99 l. Sutherland 47 men, monethly Pay 423 l. Nairne 35 men, monethly Pay 315 l. Elgine 210 men, monethly Pay 1890 l. Aberdene 727 men, monethly Pay 6543 l. Bamff 159 men. monethly Pay 1431 l. Kincardine 174 men, monethly Pay 1566 l. Forfar 556 men, monethly Pay 5004 l. Perth 889 men, monethly Pay 8001 l. Fyfe 738 men, monethly Pay 6642 l. Stirling 282 men, monethly Pay 2538 l. Kinroſſe 16 men, monethly Pay 144 l. Clackmannan 58 men, monethly Pay 522 l. Edinburgh 463 men, monethly Pay 4167 l. Linlithgow 194 men, monethly Pay 1746 l. Hadingtoun 376 men, monethly Pay 3384 l. Berwick 395 men, moneth Pay 3555 l. Roxburgh 642 men, monethly Pay 5778 l. Selkirk 142 men, monethly Pay 1278 l. Peebles 182 men, monethly pay 1638 l. Lanerk 598 men, monethly pay 5382 l. Aire 674 men, monethly pay 6066 l. Wigtoun and Stewartrie of Kircudbright 486 men, monethly pay 4374 l. Drumfreis 494 men. monethly pay 4446 l. Renfrew 245 men, monethly pay 2205 l. Dumbartan 137 men, monethly pay 1233 l. Argyle 323 men, monethly pay 2907 l. Bute 51 men, monethly pay 459 l.

Followes the ſummes payable monethly, together with the number of men to be intertained by the Burrows: Edinburgh 574 men, at 6 s. *per diem, inde per menſem* 5166 l. Perth 110 men at 6 s. *per diem, inde per menſem* 990 l. Dundee 186 men, monethly pay 1674 l. Aberdene 160 men, monethly pay 1440 l. Stirling 36 men, monethly pay 324 l. Linlithgow 30 men, monethly pay 270 l. S. Andrews 60 men, monethly pay 540 l. Glaſgow 110 men, monethly pay 990 l. Air 41 men, monethly pay 369 l. Hadingtoun 36 men, monethly pay 324 l. Dyſert 30 men, monethly pay 270 l. Kirkaldie 46 men, monethly pay 414 l. Montros 53 men, monethly pay 477 l. Cowper 24 men, monethly pay 216 l. Anſtruther eaſter 31 men, monethly pay 278 l. Drumfreis 44 men, monethly pay 396 l. Innerneſſe 40 men, monethly pay 360 l. Breichen 20 men, monethly pay 180 l. Irving 23 men, monethly pay 207 l. Elgine 20 men, monethly pay 180 l. Jedburgh 18 men, monethly pay 162 l. Wigtoun 15 men, monethly pay 135 l. Pitrinweyme 15 men, monethly pay 135 l. Dumfermling 12 men, monethly pay 108 l. Dumbartan 12 men monethly pay 108 l. Ranfrew 10 men, monethly pay 90 l. Lanerk 16 men, monethly pay 144 l. Kircudbright 20 men, monethly pay 180 l. Aberbrothock 10 men, monethly pay 90 l. Bruntiland 16 men, monethly pay 144 l. Peibles 10 men, monethly pay 90 l. Carrail 24 men, monethly pay 216 l. Kinghorn 14 men, monethly pay 126 l. Thayne 12 men, monethly pay 108 l. Selkirk 10 men, monethly pay 90 l. Anſtruther-eaſter 6 men, monethly pay 54 l. Culros 12 men, monethly pay 108 l. Dumbar 12 men, monethly pay 108 l. Bamff 8 men, monethly pay 72 l. Whithorne 5 men, monethly pay 45 l. forfar 6 men, monethly pay 54 l. Forres 6 men, monethly pay 54 l. Rotheſay 5 men, monethly pay 45 l. Rutherglen 5 men, monethly pay 45 l. Northberwick 4 men

monethly

monethly pay 36 l. Culane 4 men, monethly pay 36 l. Nairn 4 men, monethly pay 36 l. Lawder 5 men, monethly pay 45 l. Innerkeithing 10 men, monethly pay 90 l. Kilrynnie 3 men, monethly pay 27 l. Annand 3 men, monethly pay 27 l. Lochmaben 3 men, monethly pay 27 l. Sanchuer 3 men, monethly pay 27 l. Galloway 1 man, monethly pay 9 l. Queens ferrie 7 men, monethly pay 63 l.

Item, It is ordained for profecution of the War againſt the Rebels within the Kingdom, That there be made up of the preſent Regiments upon foot, by Recrutes or otherways, 9000. foot and theſe to be in Eleven Regiments, each Regiment in 8. or 10. Companies, and in each Company 100. men, and where they are to be recruted, That each Company be made up of 126 men, where the ſame may be commodiouſly gotten done. And that 600 Horſe be imployed in this ſervice with their Officers and Commanders, to be made up and commanded as the Parliament and their Committees have given, or ſhall give order. And that the 500 Dragoneers, with a Lieutenant Colonel, Major and other inferiour Officers, to be divided in 8. Companies, and to be payed conform to the Roll of eſtabliſhment, which Officers and Souldiers are to be intertained at the Rates contained in the Table above-written, which they are to receive duely in money and proviſions monethly, The one half at leaſt in money, and the other half in Oat-meal or other proviſions uſefull for the Army, at the ordinary Rates for the time. And for the better collecting and ingathering of the ſaid ſums of money, for payment and entertainment of the ſaids Officers and Souldiers: The Eſtates nominats and appoints Sir *Adam Hepburn* of Humbie Generall Collector, with power to him to ſubſtitute Deputes in ilk Shire, and that other Collectors in Burghs and Paroches be appointed in ſiclike manner, as is contained in the Act of Taxt and Loane, with power to the ſaid Generall Collector to appoint a Clerk of Collection; Which Collector-Deputes, alſwel of Shires as of Burghs and Paroches and Clerk of Collection, ſhall have ſuch like Fees as is allowed in the ſaid Act of Taxt and Loane, and that to be uplifted out of the ſaid Shires and Paroches, by and attour the ſaid maintenance; And the burghs to be free, in reſpect they collect their Taxt upon their owne charges.

Item, If any Shire, Burgh, or Perſon therein deſigned, be deficient in paying their monethly proportion, ſo that the Souldiers for want be put to Quarters in any other Shire or Burgh, In that caſe it is ordained that the Shire or Burgh, who ſhall Quarter the Officers or Souldiers, ſhall have repetition of the failzies, with a third part more in name of falzie. And after compt and reckoning with the Commiſſar of the Regiments or Troupes, The Shires or Burghs ſhall have aſſignation *pro tanto*, and a third part more to their localitie for their relief and ſatisfaction: And in caſe of their refuſal, the Committee of Eſtates with the Army, is to give order thereanent to the Committee of War of the Shire, deſigned by the Eſtates, being conjunctly lyable for the proportion of the Shires, and the Magiſtrates of Burghs for the Burghs, except for ſuch lands of Burghs, as ſhall be found by the Commit-

of Estates with the Army to be still possessed by the enemy, or to have been altogether wasted and burnt by them, so that they cannot be profitable to the Heritors; which deficiencie is to be supplyed by the Committee of Estates, out of the Fines, Forfeitures, or any other Moneys due to the Publick: And the Committee of Warre to have their relief of the disobedients to the double, and als to have the assistance of the Forces, if they require the same. And with power to the said Committees of War in every Shire (who are hereby declared to be lyable in the monethly maintenance due to the Souldiers) to call unto them any Heritor within their Shire *respective*, and to cause them binde with the said Committee for all summes of Money to be contracted for the said maintenance: But it is alwayes provided, That the Burghs that shall happen to bee upon the said Committees of Warre of the Shire, shall be no farther liable nor answerable for the maintenance due by the Shire, but allanerly for the lands pertaining to the said Burgesses lying within the Shire, if they any have.

Item, To the effect that the Shires and Burghs be not deceived with false musters, and so pay for men who are not really in service, It is ordained, That these who shal be appointed for mustering, shall monethly as they shall be required, take a survey of each Regiment and Company, as well Horse, Foot, as Dragooners; and that the Shires and Burghs who shal pay their proportion, or shall happen to quarter them, may have one, with such as shall be appointed by the Committee, to muster them, if he be present with the Armie, otherwise, in absence of the Muster-master, the persons so nominate by the Shire or Burgh, may muster them: And these Officers who are required to muster their men, and refuses, shall forfeit their place and by-gone pay; And whatsoever Horse shall be found to be made use of for making of false musters, the Horse shal be confiscate, and the owner of the Horse shall pay one hundreth pounds to the Publike, whensoever it shall be tried: And a Footman who shall be made use of for making of false musters, shall be punishable by scourging or burning. And the Root-master, Captain, or any other Officer of Horse, Foot, or Dragooners, shall be found guilty of such false musters; shall lose his place instantly, and all his by-gone pay.

Item, It is ordained, That Magazines of Victuall be provided out of the moneys to be raised in part of what shall be due, and put in convenient and sure places of the Kingdom, from which it may be most commodiously carried to the Army: And that there be Provant Masters appointed, as well for the North as for the South. And to the end that these Magazines may be timously provided, the Provant Masters are appointed to go about the same diligently: And the Shires and Burghs are hereby ordained, before the first day of April next, To advance three moneths of the summes laid upon them. And because the present Stent laid upon the Shires, the burden may be unequall, which cannot presently be known, in repect the valuations of Loan and Taxe are not come in, It is appointed, That the whole valuations of the Kingdom, not already brought in to the Clerk of the Loan

and

and Taxt, be brought in before the first day of May next, done and perfected, conform to the Act of Convention made thereanent: And that they may be compared by ane person to be appointed for ilk Shire, and the comparing to be perfected betwixt and the first day of June next. And if it shall be found that some Shires maintains more Officers and Souldiers than others, they shall be eased thereof, and each Shire proportioned in an equall way, conform to their Rents: And if the Shires shall failzie, and not bring in the valuations betwixt and the said first day of May next, They shall not onely be debarred from any benefit or ease to be granted to them, but also shal bear the burden of any ease shall be granted to these Shires who shall be found to be overburdened. And for the Burrows part of this Taxt, it shall be rectified and altered, according as their Taxt Roll shall be altered.

Item, The Retention of six for the hundered of annual-rents to be retained the yeer of God 1645. *viz.* From Martimasse 1644. to Martimasse 1645. Providing alwayes the annual-rents be fully payed within the same yeer 1645. otherwise no Retention to be granted by the Committee, who notwithstanding hereof, shall have power to charge the Debter at any Terme, conform to his Band.

Item, That all Heritors of Land within Burgh, or Pendicles and Liberties thereof, all Burgesses, all Traffiquers exercising any Trade shall be subject to Taxation within Burgh; but prejudice for the time to come of the whole Members of the Colledge of Justice, their former Rights, Priviledges, and Immunities, wherewith for the present in regard of the present Exigence they do dispense.

Item, It is ordained, that no Suspension be granted of any charge to follow upon this present Act, without a discharge from the charger, or consignation of the summe charged for, (if so be it be on a speciall charge) and whilk consignation shall be made in the hands of the Collectors *respective, viz.* In the hands of the Collectors within the Shire for the Shire, and within the Burgh for the Burgh, Pendicles, and Liberties thereof, including within the Pendicles of *Edinburgh*, the houses, Tenements, and Yards within Leith, Canongate and Pleasance, so far as pertains to the Town of *Edinburgh* in property or superiority, and within the pendicles of other Burrows, all that hath been in use to have been taxed with them: And all other Suspensions to be null; And that it be granted by the Committee of Estates: And these Suspensions to be past by the Clerk Register, and his Deputes, upon production of the Discharge from the Collectors of the Shires or Burghs, or a Testificate that the summes were consigned in their hands: And the same Suspensions to be discussed by the Committee of Estates or Parliament.

Item, It is statute and ordained, That all Fines, Forfaultures, Mony for Forfaulted Lands, Rents, and others past and done in this Session of Parliament, and in time coming, shall be imployed for the present use of the Army: As also that all Fines, Forfaultures, and Mony for Forfaulters, past and done in the former Session of this Parliament, which are not already disposed upon by the said former Session

of Parliament, or their Committees, shall be likewise imployed for the use foresaid.

It is alwayes expressely declared, statute, and ordained, That no Retention shall be granted of this present Maintenance hereby imposed upon Shires, and Burghs, for any debt, cause, or occasion whatsoever, and that no exemption shall be granted therefrom to any person or persons whatsoever, except only for Lands, Rents, Annual-Rents, and other duties mortified to Colledges, Schools, Hospitals, Ministers and Readers stipends, and for upholding of Kirks and Bridges, but that all other Heritors, Life-Renters, Taksmen, Titulars, Proper Wodsetters, Pensioners, Conjunctfiars, and Lady-tercers, and others subject to the valuation within Shires or Burghs, whereby profit or commodity arisehs, shall be lyable to their proportionable part of this Maintenance; And that the Lands and Teinds shall pay as they lye locally in Shires, and not by annexation, conform to the Act of Convention for Taxt and Loan.

Further it is declared, That the payment of the said Maintenance to be made by the Shires, shall begin the said first day of March next to come, and pay for the first four months, conform to the former valuation, and thereafter as they shall be rectified and given in by the Shires, after the famine shall be revised by the former Valuers: For the which effect the Estates of Parliament renewes the former Commission granted by Act of Convention.

And finally it is Declared and Ordained, That the Letters and Charges to follow upon this present Act and Ordinance, shall be raised at the instance of the Generall Collector and his Deputes, against the Committees of Shires, and Magistrates of Borrows, and Letters for their relief, at the instance of the Committee of the Shire, and their Collectors, against Heritors, Fewars, Fermorers, in the common forme: And all these Letters to be direct in the same manner, with the same provisions, and with the same certifications, contained in the Act of Convention of Estates, made for the Loan and Taxt.

ACT XII.

For relief of the Commissioners of Shires and Burghs, anent these Moneys which they presently advance for Maintenance of the Army.

28. *February* 1645.

FOrsameikle as the Estates of Parliament now conveened in the second Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament, holden by his Majesty and three Estates, in *Anno* 1641. Taking to their consideration, that the Commissioners for Shires, & the Commissioners for Burrows that are this day present, have undertane the advancement and payment of their proportionall parts of the first

Moneths Maintenance for the Army for their Shires and Burghs, To be given in to the Generall Commiſſar, betwixt and the firſt of March next; Therefore the Eſtates of Parliament hereby aſſignes to the ſaids Commiſsioners of Shires and Burrows, and to ſuch Noblemen, Gentle-men, and Burgeſſes, as Bindes with the Commiſsioners *reſpective* for ſaids, for the preſent advancement and getting of the ſaid Money, The ſaid firſt Moneths proportion of the Maintenance appointed to be paid by the Act for Maintenance for the Moneth of March next to come, To be uplifted and collected from their Shires and Burghs proportionally for their reliefe of that which is advanced now by them, as ſaid is. And the Eſtates Ordains ſicklike Letters and Execution to be direct at the inſtances of the ſaids Commiſsioners of Shires and Burghs, for payment of the foreſaid Maintenance for the Moneth of March next, as might have been direct at the inſtance of the Eſtates and their Collectors, if the ſamine had not been advanced as ſaid is: And declares, that the ſaids Commiſsioners, and theſe who Binds with them, ſhall have Annual-rent for the Money advanced by them, off their Shires and Burghs, fra the time of their advancement, while the repayment.

ACT XIII.

Of aſſurance to theſe that ſhall buy the Forfaulted Lands.

1. *March* 1645.

THe Eſtates of Parliament now conveened in the ſecond Seſſion of this firſt Triennall Parliament, by vertue of the laſt Act of the laſt Parliament, holden by his Majeſty and the three Eſtates, in *Anno* 1641. Conſidering, that they by their Act of the 20. of February laſt, have condeſcended upon the rate and price for ſelling of the Lands of Forfaulted perſons to ſick as are of their Creditors, to be ane thouſand Merks for every hundred Merks of yeerly Rent; And for theſe who are Creditors to the foreſaid Forfaited Perſons, To be Two thouſand Merks for every Hundred Merks of yeerly Rent, for ſatisfaction of their Debts: And this benefit given to the Buyers that are not Creditors, is to invite all willingly to buy at the rate foreſaid: And yet for their farther encouragement to buy the ſaids Forfaulted Lands at the price above written, The Eſtates do hereby declare, That they will not onely eſteem the ſamine good ſervice to the Publike, and take it as a ſingular mark of their generoſitie, of their conſtancie in affection to the Cauſe in hand, and fidelitie to their Countrey; But alſo will give to theſe Buyers ſufficient ſecuritie and warrandiſe of the Lands to be diſponed to them. And by thir preſents bindes and obliges the Eſtates of this Kingdom now, and in all time coming, To warrant the ſamine to be ſufficient Rights and Sureties to the Buyers, for bruiking of the ſaids Lands

against all deadly. As also declares, That they will take, and hereby ... in their Protection the said Buyers, against all persons whatso... who shall quarrell, or prosse to wrong them that buyes the said ... Lands, or troubles the buyers thereof directly or indirectly ... Right and Possession of the same: Likes the Estates de... Persons who shall directly or indirectly wrong, ... trouble, or molest the said buyers in their Right and Pos... foresaid, To be Enemies to the Estates of the Kingdome, and ... and Peace thereof. And that the Estates will pursue and ... them according, as being these Persons are to be esteemed as ... of the ... Persons, and Hinders of the Estates, and ... of the Kingdome, and of the Cause in hands. And that the ... perfidious and wicked doings of the Forfaulted Persons ... the Troubles and Evils that are upon this Kingdome, ... equitie and reason, their and their estates ought to suffer there... be sold & applied for the supply of the present necessities of ... Kingdome, which may be a just encouragement to the honest men ... buy the famine, that thereby the present necessities of the King... may be supplied by the Lands and Means of these who have ... the famine. And further, the Estates declares, That the ... who shall first come in and offer to buy, shall be preferred to all others ... whatsoever qualitie, who shall come in thereafter, and offer to buy ... famine Lands aimed at by the first Buyers.

ACT XIV.

Favours of the Manufactories, and of the Masters Actuall Workers, Servants, and Prentises thereof.

3. *March* 1645.

Forsamikle as the Estates of Parliament now convened, in the second Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament holden by his Majestie and these Estates, in *Anno* 1641. Taking in consideration the good and benefit ... Erecting, Entertaining, and Maintaining of Manufactories ... within the Kingdome doth produce, ... the credit of the King... and profit of the Lieges, and for the breeding of poor indigent ... in vertuous Exercises: The Estates for cherishing and in... ing of those who have already Erected, or shall Erect and Ad... Manufactories, And herewith also the Estates considering ... and prejudice that may come to the Manufactories by ... of the Masters who are actuall Workers in the Manu... their Servants, Prentises or any other actuall Workers ... In any Expedition or Levies to be raised or put out by ... Kingdome, or by Quartering of any Souldiers Horse or Foot up... them, or imposing upon them any Taxations or Impositions what... somever.

For remeid whereof, The Eſtates Statutes and Ordaine, That the foreſaids Manufactories, and the Maſters who are Actuall Work thereintill, their Servants, Prentiſes, and actuall Workmen famine, Are and ſhall be liberate and free in all time coming going out as Souldiers either Horſe or Foot, in any Expedi Forces raiſed or to be raiſed by the Kingdome now and And diſcharges all Magiſtrates, Officers, and others perſons ever, to Burgh or Land concerned herein all, Of all troubling ſaids Maſters actuall Workers, Servants, Prentiſes, and actuall men in the foreſaids Manufactories hereby And of all Qua of Souldiers Horſe or Foot upon them ſuffer them peaceably to attend their Works And further, The Eſtates declares the foreſaids Manufactories Maſters actuall Workers thereintill, ſervants, Prentiſes, and Workmen in the famine, Free of all Taxations, Impoſitions, other Publicke dues, either already Impoſed or to be impoſed ordained to be done or payed by order of the Eſtates of Parli or Committees of Parliament, for the Publike ſervice of the K dome, in time coming, or during the time of the troubles, o Kingdome.

ACT XV.

Anent the putting of the Kingdom in a Poſture of War, for De

March 6. 1645.

Forſameikle as in the moneth of *September* 164 Eſtates then conveened, conſidering the of Religion, his Majeſties perſon and authority Peace of the Kingdom, by Papiſts, Prelats, an adherents their Armes in *England* and *Irela* ordain the Kingdom to be putin a Poſture fence, and made choice of Colonels for Horſe and Foot, and ap ed Committees within the ſeverall Shires and Bounds of the K dom for that effect, and for making perfect Liſts of the ſons betwixt Sixtie and Sixteene, and ſeeing them Armes conform to the Act of Poſture then made. moneth of February 1644 thereafter, the ſaids Eſtates being ſible of the deſolations of *Ireland*, the blood-ſhed in *Engla* increaſing dangers of the Kingdome, which moved them to an Armie in perfuance of the Covenant, and thereby Kingdome of great numbers of Armes and ſtrengthning of the ſame againſt Inteſtine Commotion Invaſion, renew and inlarge the ſaid Act of Poſture of the execution thereof was often and moſt ſeriouſly urged Committee of Eſtates, upon incidents meerly concerning the of the Kingdom; which notwithſtanding, by the ſecurity and of the moſt part of the Country, hath taken ſmall effect, To the ſen-

ſible

...ble and deplorable losse of the Kingdom, and advantage of the Ene-
...mie, specially *James Grahame* sometime Earle of *Montrose*, the Irish
...Rebels, and others degenerate and perfideous Countrymen, who have
...cruelly killed and murdered great numbers of the Subjects, depopulate
...and wasted many parts of the Country, and are going on with full
...resolution to undo the whole Nation, and overthrow the Liberties of
...Kirk and Kingdom, so happily established by Gods mercifull provi-
...dence. For remeid whereof, as all good Patriots and true Christians
...ought to take this matter deeply to heart, & spare no pains, expences,
...nor their own persons, In performance of their Covenant (to the which
...they are so straitly bound before God and man) against this Intestine
...Enemy and Forrain threatned Invasion: So the Estates of this King-
...dome presently conveened, finde themselves bound in conscience and
...duetie to presse the said Act of Posture of Defence, and see the same
...effectually put in execution: And do therefore Statute and Ordain the
...Colonels and Committees of War foresaid, appointed in each Shire,
...to number the whole sensible person within the Shire upon one day,
...every Parish within some part of the bounds of their Presbyteries, to
...be assigned by the Committees and Collonels, by whome some are to
...be appointed to make up the List of the saids sensible persons, armed
...and unarmed, so as it may be known that none shall borrow Armes
...from others, and how many, and what sort of Armes are wanting, and
...how to be provided for every Shire. The Musters of these be-south Dee,
...to be betwixt and the last Tuesday of March instant, and these be-
...north Dee, betwixt and the tenth of April next: And ordains the Bur-
...roughs within the bounds *respective* foresaids, to make their Musters
...amongst themselves, conform to the former Acts of Convention, and
...to make their reports accordingly. And if any sensible persons be-
...twixt Sixtie and Sixteene be not already provided with Armes, It is
...likewise statute and ordained, That they shall arm themselves suffici-
...ently against the said Muster day *respective*, under the pain of Twenty
...pounds to be payed by each person who shall be found by the Com-
...mittees want a Musket and Sword, and able to buy the same; and
...Twenty shillings by each person able to buy a Pike, and wanting the same:
...And where neither Yeoman nor Servant is able to buy Armes, It is
...likewise statute, That Master or Heritor of the Land shall be obliged to
...buy the same, and furnish their men therewith, under the pains fore-
...said. As also, Statutes and ordains the Committees of War in ilk
...Shire to provide and lay in Magazine Two pound weight of Pow-
...der for every pound weight of Match and Ball, conforme for every sensible
...person within the Shire: And that the saids Committees of War
...give account of their diligence to the Committee of Parliament, be-
...twixt and the [illegible] of April next.

...And to the effect there may be a sufficient number of trained men in
...every Shire and Burgh for the ends foresaids, The said Estates ordains
...the Colonels and Committees foresaids, and Magistrates of Burgh,
...to reduce the whole sensible persons within their bounds, as well to
...Horse as Land, into Regiments, Foot Companies, and Horse Troops,

conform

conform to the former Printed Acts of the Convention, for p
the Kingdom in a Posture of Defence. And Ordains the whole fe
ble persons to be Drilled and Exercised in handling their Arms,
Regiment once in the moneth, and every Company and Tro
in the Week, at the places to be appoynted by the Committee
nels, and Magistrates within Burgh: And that each Shi
shall entertain able and expert Souldier, to have the care and
ction of Exercising the Regiments and Companies of the S
Burgh. And in regard of the prevailing and raging cruelty of
fent enemy within the Kingdom, Ordains the Captains of each
pany to be provided with Colours and Drums, the Foot-maste
Trumpets and Cornets, to be in readinesse upon orders fro
Committee of Estates, to bring forth such proportion of them
ments, with sufficient Furniture, Armes, and thirty dayes prov
they shall be required: And to be ready to defend the Countr
pose any Invasion, pursue the Invaders, and be assisting and
others, and ready to March to any place within the Kingdom o
land, where the Invasion shall happen to be, or to such places o
dezvous as upon correspondence amongst these who comman
be thought most fitting for opposing and persuing the Enemie
if any of the Heritors be aged and known to be infirm, That the
put able men with their best Horse and Armes. And Ord
whole Forces, Horse and Foot, to be ready to march upon ad
ment, by putting forth of Beacons upon the accustomed pl
such other advertisment as shall be given.

And to the effect, the Forces of the Shires may be the b
vided with Armes, and more speedily and exactly brought fo
dains the Colonels, or Rootmasters formerly appoynted in th
by the Convention of Estates and their Committees, to re
continue in their charge in the laids Shires where they are no
cept in the Sheriffdoms of Kincardin, Aberdene, and Bamff)
charge and command wherein are hereby committed to the E
shal, who is also to have his choice of any one of the Re
Horse or Foot, of these three Shires: And appoints the Earl
later Colonell, and Laird of Aboyne his Lieutenant Colonell
the Sheriffdome of Bamff, and the Viscount of Frendraught,
of Forbes, Lord Fraser, or the Master of Fraser, to
the remanent Forces within the Sheriffdom of Aberd
their divisions assigned to them as the Earle Marshall and Comm
of Warre in these bounds shall appoynt: As likewise the same
ons and Conjunctions of Shires to stand. And likewise or
whole Noblemen and Committees of War of the severall Shires
Divisions, to meet all in their own severall Committees, in
nary place of meeting, within six dayes after the
the Market Crosses of the Shires. And there to de
laids Regiments, both Horse and Foot, and according to the nu
the same Horse and Foot within the severall Shire and Divison
point most Colonels, Rootmasters, and others Officers neces

leading and commanding their Forces, Horse and Foot, and to provide als many Armes and Ammunition as will arm all the able men in the Shire, either by giving present money for them, or Bands for the price thereof at a certain day, and they to have Letters of relief against the Heritors for repayment of the same: With power to the Committees forsaids and Heritors, To distribute the Armes in the severall Shires and Divisions to these persons that wants. And ordains all sensible persons betwixt sixtie and sixteen to come forth upon advertisement forsaid under the pains following, viz. Ilk Nobleman, Gentleman, Heritor, and Burgesse, (except Edinburgh and Stirling, who are to put all the sensible persons in their Town in Posture of Defence) under the paine of a yeers rent, Ilk Yeoman under the pain of confiscation of their whole moveables to the use of the publick, and to be farther punished as contemners of the Orders and authority of Parliament, and breakers of their Covenant. And ordaines ane Magazine to be provided by ilk Shire by the Committee of Warre, in one or moe places where they shall think the famine may be most secure, and the Heretors to be stented by them therefore, and the Burrows to provide Magazines within themselves. And ordains this Act to be published.

ACT XVI.

Commission to the Committee of Estates.

8. *March* 1645.

THe Estates of Parliament now conveened, in the second Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament, holden by his Majesty and the three Estates, in *Anno* 1641. Considering that by the 28 Act of the first Session of this Parliament, Intituled, *Commission to the Committee of Estates of Parliament*, Their was Commission then granted by the Parliament to the persons therein nominate, Giving power to them or their Quorum, in manner, and to the effect particularly condiscended upon in the said Commission: And generally to do all and every thing requisite anent the ordering and managing of all affaires and businesse which might conduce to the good and Peace of the Kingdom, and promoving of the common Cause, as is expressed in the Covenant and Treaties, as the Commission in the self more fully proports. And herewith also considering that the same Causes not onely still remains, but are increased, which moved the Estates of Parliament in the first Session of this Parliament to grant the foresaid Commission: Therefore the Estates of Parliament now conveened, do hereby nominate, authorize, and appoint the persons following, viz. *John* Earle of Loudoun high Chancellor of Scotland, *Alexander* Earle of Levin Lord Generall, and *James* Earle of Callender Lord

Lieutenant

Lieutenant Generall, as supernumerarie in this Commission for the Nobility, and *John* Earle of Crawfurd and Lindsay, *William* Earle of Mersmall, *John* Earle of Sutherland, *william* Earle of Mortoun Earle or Buchane, *Alexander* Earle of Eglintoun, *William* Earle of Glencairne, *John* Earle of Cassils, *Charles* Earle of Dumfermling, *John* Earle of Kinghorne, *James* Earle of Tullibardine, *Robert* Earle of Roxburgh, *Francis* Earle of Bucleugh, Earle of Seaforth, *William* Earle of Lowthian, *David* Earle of Southesk, *John* Earle of Weymes, *william* Earle of Dolhousie, *James* Earle of Findlator, *William* Earle of Lanerk, Vicount of Arbuthnot, Vicount of Frendraught, *John* Lord Zester, *John* Lord Sinclar, *Alexander* Lord Elphinston, *Robert* Lord Burghley, *James* Lord Cowper, *George* Lord Forrester, *Thomas* Lord Kirkcudbright, *Alexander* Lord Balcarras, Lord Fraser, *John* Lord Barganie, and *Patrick* Lord Elibank: Sir *Patrick Hammeltoun* of Prestoun M. *Robert Melvin* of Burghly, Sir *John Sinclar* of Hiremestoun, Sir *Robert Gremsa* of Lorg, Sir *william Carmichael*, Sir *Thomas Nicolson* of Carnock, *Patrick Cockburn* of Clerkingtoun, M. *Alex. Belsches* of Toftis, Sir *William Cochran* of Cowdoun, Sir *John Cranfurd* of Kilburnie, M. *Francis Kay* of Balhousie, *James Macdowell* of Garthland, Sir *William Forbes* of Cragievar, *John Birshane* of Boshoptoun, Sir *John Hope* of Craighall one of the Lords of Session, Sir *John Hamiltoun* of Beill, *Hugh Campbell* of Cesnock, *Brodie* of that ilk, Sir *Alexand. Erskine* of Dun, Sir *Arthur Erskene* of Scottiscraig, Sir *Pat Hepburn* of Wauchtoun, Sir *Alexander Falkoner* of Halkertoun one of the Lords of Session, M. *George winrahame* of Libertoun, Sir *John wauchope* of Niddrie, Sir *David Hume* of Wedderburn, Sir *William Scot* of Harden, *William Scot* of Ardros, Sir *william Dowglas* of Cavers Sheriffe of Tivioedale, Sir *william Mure* of Rowallane, Sir *John Hamiltoun* of Orbestoun Justice-Clerk, one of the Lords of Session, *Schaw* of Sauchie, *Udnie* of that ilk, Sir *Archibald Campdell*, and Sir *Alexander Gibsone* of Durie Clerk of Register, and Sir *Adam Hepburn* of Humbie. To be supernumerarie in this Commission for the Barons: *Robert Mackeane* Burgesse of Edinburgh, Sir *william Dick* of Braid, Colonell *James Rae*, *Archibald Sydserfe*, *John Binnie*, and *James Stewart* Burgesses of Edinburgh, *Robert Arnot* Burgesse of Perth, *Alex. Haliburtane* Burgesse of Dundee, M. *Robert Farquhar* and *Patrick Leslie* Burgesses of Aberdene, *Thomas Bruce* Burgesse of Stirling, *George Bell* Burgesse of Linlithgow, *John Leper* and *James Sword* Burgesses of S. Andrews, *James Bell* and *George Porterfield* Burgesses of Glasgow, *John Kinnedie* Burgesse of Air, *Richard Chaplaine* Burgesse of Hadingtoun, *David Simpsone* Burgesse of Dysert, *James Law* Burgesse of Kirkcaldie, *Tho. Machirnie* Burgesse of Drumfreis, *George Jameson* Burgesss of Couper, *Duncane Forbis* Burgesse of Innernesse, *Robert Taillzeor* Burgesse of Montrose, *George Gardyne* Burgesse of Bruntiland, M. *Rob. Cunningham* Burgesse of Kinghorne, *John Rutherfurd* Burgesse of Jedburgh, *William Lyon* Burgesse of Breichen, *William Glendoning* Burgesse of Kirkcudbright, *Gideon Jack* Burgesse of Lanerk, M. *John Dowglas* Burgesse of

of

Creditors of the persons already forefaulted heretofore, or to be forefaulted in this present Session; That if they failzie, To exhibit and produce before the Committee of Estates Their foresaids Writs, Evidents, and Securities, made to them by the saids forefaulted persons within the Diets *respective* foresaids: That the foresaids Creditors, shall never in any time thereafter, Have any action against the Lands, Estates, and Goods of the foresaids forefaulted persons, for payment of their debts upon the pretence of the foresaid Act of the 27. July last, or upon any other pretence whatsoever: But that the lands, Estate, and Goods of the foresaids forefaulted persons shall pertain to the Publick. Neither shall they have any action against their Cautioners, but prejudice alwayes to them after production, in manner, and at the time foresaid, to take presently back their Writs and Pursue: But prejudice also to the saids Creditors of their action and execution competent to them against their Cautioners, conforme to their Bands and Rights. It is also declared for the Cautioners of the saids forefaulted, or to be forefaulted persons, that they shall not be holden to produce the Writs and Bands wherein they are Cautioners, But onely to give in a note under their hands of the names of the Creditors to whom they are Cautioners, and of the sums contained theintill (Because the Writs and other Securities wherein they are Cautioners, are not their evidents and in their option, but in the hands of the Creditors to whom they are principally made) Likeas the saids Estates of Parliament, Finds and discerns the samin to pertain to the publick for relief of their publick Debts and Burdens in all time hereafter, without any Burden of payment of the Debts owing to the saids Creditors haiving, to produce and make known their Debts, at the time, and in manner foresaid. It is also declared, That where the Creditors or Cautioners are Minors, Their Tutors and Curators are oblidged in the like manner, To produce their Bands, Rights, or Notes; or otherwise be lyable to their Minors, for refounding their damnage and interest. Likeas also the Estates of Parliament, considering That the foresaid persons already forfaulted, may be engaged in manner above specified either as principals or Cautioners to divers and severall persons their Creditors: To which Creditors no present payment of their Debts can be made in a present convenent and expedit way, without the selling of the Lands, Heritages, and Estates, which pertained to the foresaids persons forefaulted before their forefaulter; the sale whereof cannot be expeditely done, neither for the weale of the saids Creditors, nor for the weale of the publick. And to the effect the saids Creditors may receive satisfaction in a just and reasonable way, out of the saids forefaulted persons, their Lands, Heritages, and Estate, And that the benefit of the residue thereof, may come into the Publick of this Kingdome; Therefore the Estates of Parliament, Decernes and Ordaines That the foresaids Creditors or Cautioners shall be obliged, To accept a proportionall part of the Lands and Heritages of the saids persons forefaulted their Debtors *respective*, for their Debts owing to them, being instructed at the time and in manner abovespecified, at

the sight and determination of the said Committee of Estates: And that at the rate and proportion of One hundreth Merks of ordinary yearly constant Rent, for ilk sum of Two thousand Merks, addebted by the saids forefaulted persons, to their said Creditors or Cautioners, or otherwayes to be deprived of the benefit of the Act of Parliament 27. July 1644. and to be reduced to the old estate of the Creditors of forefaulted persons, as if the samin had never been made. Likeas also, It is statute and Ordained, That the superplus of the Lands, Heritages, and Estate of the foresaids forefaulted persons (their Creditors foresaids being satisfied in manner above specified) shall and may be divided in parcels, and sold and disponed by the Estates of this Kingdom, or by the said Committee of Estates to any buyer whatsomever, paying present money over the Table, at the rate of one hundreth Merks of yearly constant Rent for ilk sum of One thousand Merks, as the price thereof: And where present money for the Lands cannot be had nor offered, that then they may be sold and disponed to any person to whom the Publike is addebted, They advancing in ready money the one halfe, at ten years purchase, and accompting in payment of their debts, being lent money, or furnishing to the Armies: the other half, at the rate of fifteene years purchase. Likeas, The said Estates of Parliament, do by thir presents, give full power and Commission to the said Committee of Estates, To divide the Lands, and others of the foresaids forfeited Persons, And to that effect, To take the just and true Rentall thereof, and to estimat and convert Victual and other Rent (not being silver Rent) and to redact the samine to money Rent, and to sell and dispone the residue and remainder of the Lands, Heritages, and Estates of the foresaids forfeited Persons to any Buyer, at the rate and in manner foresaid. Likeas, The Estates of Parliament decernes and declares, That the Dispositions so to be made thereof to the foresaids Creditors above-specified, and to the saids Buyers, shall be valide sureties to them thereof, in all time coming. And likeas Ordaines Infeftments to passe under the Great Seal, upon the foresaids Dispositions, to be made by the said Committee of Estates, of the Lands and others, holden of the Kings Majestie, and Prince. And Presentations to be granted by the said Committee of Estates, to other Superiours, of so many of the foresaids Lands, and others above-specified, as are holden of the saids others Superiours.

ACT X.

ACT X.

Anent the allowing of Quarters where the Quarter-masters and Officers Tickets are not given.

22. *February* 1645.

THe Estates of Parliament having heard and considered the *Quere* from the Commissioners for the Excise, desiring to be resolved, what they shall do in this case, *viz. When these people who has given Quarters to Souldiers comes in to the Commissioners of Excise, to make Compt and seek payment for their Quarters, and do not produce Tickets from the Officers under their hands, nor any publick order for their Quartering*; Together with the opinion of the said Committee thereanent.

The Estates declares, That where there is no Tickets left by the Officers or Quarter-masters for the Quarters, In that case two of the Kirk-Session of any Parochine, with any one of the Committee of War of the Shire where that Parochine lyes in Landward; And the Magistrates within Royall Burghs, or any two of them, Shall take the Oaths of the Heretors, Tenants, and Inhabitants, on whom the Companies and Troops are Quartered, upon what is due for Quartering: Which being reported under the hands of these so appointed, Shall be sufficient qualification to the Commissioners for the Excise to allow the same, that they may be paid accordingly.

ACT XI.

Anent the Maintenance of the Armie, and Moneys to be raised for that effect.

February 27. 1645.

THe Estates of Parliament now conveened, in the second Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament, holden by his Majestie and the three Estates, in *Anno* 1641. Taking to their consideration the great prejudice and danger which the Kingdom and Religion have already sustained, by the late Invasion of the Irish Rebels, and our unnaturall Countreymen; and how necessarily it is incumbent to them being now conveened, to provide for all speedy and solid remedies against the same: For which effect finding it most expedient, That not onely this Kingdom may be put in ane just Posture of Defence; but also, That ane constant and setled way may be established for prosecuting, with Gods assistance, the War against the saids Invaders in an hostile manner, to their utter overthrow and destruction; Have therefore thought fitting for the more speedy execution hereof, and for leavying and recruting their

Forces after-mentioned, and for the constant Maintenance of the same in the most easie and proportionable equall way for the Lieges; To enact, statute, and ordain: Likeas for that effect, they enact, statute, and ordain thir presents following, To be obeyed and observed by all the Subjects of this Kingdom, under all the pains hereafter expresst.

In the first, That the Country may be freed of Quarterings, Billettings and plunderings, and that the Laborers and Tradesmen may do their labour at home, except upon extream necessity; It is thought fit for the ease of the Kingdom, and most certain for the pay of the Armie, That every Shire and Burgh shall entertain from the first day of March next to come, to the last day of August next thereafter *inclusive*, a proportion of Forces, Horse and Foot, as well Souldier as Officer, according to the rule of Loan and Taxt, extending in the particular to the number and sums contained in the Rols following, which is declared to be the two part of the pay due to be paid within Scotland, to the Officers of Horse and Foot, and to the Souldiers of Foot, and Fourteen shillings to the Trouper: The third to run in arrears to the saids Officers and Foot Souldiers, and Four shillings to the Horse, and a proportionable part to the Dragooners.

Here follows the tenor of the saids Rols, payable to the Officers of Horse, Foot and Dragooners, by the Shires and Burrows, conform to the devision and proportion following, *viz.* The monethly pay of ane Regiment of Horse in their quarters, being the two part of their pay, conform to the Scots establishment: Officers of the Staff, Colonell *per mensem* 333 l. 6 s. 8 d. Lieutenant Colonel 200 l. Major 133 l. 6 s. 8 d. Minister 26 l. 13 s. 4 d. Regiment Quarter-Master 45 l. Chyrurgion 30 l. Eight Root-masters, each of them 100 l. *per mensem inde* 800 l. Eight Lieutenants, each of them 45 l. *per mensem inde* 360 l. Eight Cornets, each of them 36 l. *per mensem inde* 288 l. Eight Quarter-masters, each of them 30 l. *per mensem inde* 240 l. Twenty four Corporals, each of them 24 l. *per mensem inde* 576 l. Eight Trumpeters, each of them 20 l. *per mensem inde* 160 l. Six hundred Troopers each of them 14 s. *per diem*, is 21 l. *per mensem inde* 12600 l. The monethly Pay of a Regiment of Foot in their Quarters conform to the Scots establishment, being two part of their Pay: Colonel *per mensem* 222 l. 4 s. 4 d. Lieutenant Colonel *per mensem* 133 l. 6 s. 8 d. Major *per mensem* 88 l. 17 s. 4 d. Minister *per mensem* 26 l. 13 s. 4 d. Regiment Quarter master *per mensem* 30 l. Chyrurgion 30 l. Drummer-Major *per mensem* 12 l. Regiment Scriver *per mensem* 20 l. Provost Mershal *per mensem* 12 l. Ten Captains *per mensem* 666 l. 13 s. 4 d. Ten Lieutenants *per mensem* 300 l. Ten Ensignes *per mensem* 240 l. Twenty Serjeants *per mensem* 200 l. Thirty Corporals *per mensem* 240 l. Ten Captains at Armes *per mensem* 100 l. Nineteen Drummers *per mensem* 152 l. Ane thousand common Souldiers *per mensem* 6000 l.

Follows the sums Monethly payable according to thirty dayes *per mensem*: Together with the number of men to be entertained by the Shires and Burghs according to the Taxt, *viz.* Orknay 127 men, monethly

monethly Pay 1143 l. Innerneſſe 464 men, monethly Pay 4176 l. Caithneſſe 105 men, monethly Pay 945 l. Cromarty 111 men, monethly Pay 999 l. Sutherland 47 men, monethly Pay 423 l. Nairne 35 men, monethly Pay 315 l. Elgine 210 men, monethly Pay 1890 l. Aberdene 727 men, monethly Pay 6543 l. Bamff 159 men. monethly Pay 1431 l. Kincardine 174 men, monethly Pay 1566 l. Forfar 556 men, monethly Pay 5004 l. Perth 889 men, monethly Pay 8001 l. Fyfe 738 men, monethly Pay 6642 l. Stirling 282 men, monethly Pay 2538 l. Kinroſſe 16 men, monethly Pay 144 l. Clackmannan 58 men, monethly Pay 522 l. Edinburgh 463 men, monethly Pay 4167 l. Linlithgow 194 men, monethly Pay 1746 l. Hadington 376 men, monethly Pay 3384 l. Berwick 395 men, moneth Pay 3555 l. Roxburgh 642 men, monethly Pay 5778 l. Selkirk 142 men, monethly Pay 1278 l. Peebles 182 men, monethly pay 1638 l. Lanerk 598 men, monethly pay 5382 l. Aire 674 men, monethly pay 6066 l. Wigtoun and Stewartrie of Kircudbright 486 men, monethly pay 4374 l. Drumfreis 494 men, monethly pay 4446 l. Renfrew 245 men, monethly pay 2205 l. Dumbartan 137 men, monethly pay 1233 l. Argyle 323 men, monethly pay 2907 l. Bute 51 men, monethly pay 459 l.

Followes the ſummes payable monethly, together with the number of men to be intertained by the Burrows; Edinburgh 574 men, at 6 l. *per diem*, *inde per menſem* 5166 l. Perth 110 men at 6 s. *per diem*, *inde per menſem* 990 l. Dundee 186 men, monethly pay 1674 l. Aberdene 160 men, monethly pay 1440 l. Stirling 36 men, monethly pay 324 l. Linlithgow 30 men, monethly pay 270 l. S. Andrews 60 men, monethly pay 540 l. Glaſgow 110 men, monethly pay 990 l. Air 41 men, monethly pay 369 l. Hadingtoun 36 men, monethly pay 324 l. Dyſert 30 men, monethly pay 270 l. Kirkaldie 46 men, monethly pay 414 l. Montros 53 men, monethly pay 477 l. Cowper 24 men, monethly pay 216 l. Anſtruther-eaſter 31 men, monethly pay 279 l. Drumfreis 44 men, monethly pay 396 l. Innerneſſe 40 men, monethly pay 360 l. Breichen 20 men, monethly pay 180 l. Irving 23 men, monethly pay 207 l. Elgine 20 men, monethly pay 180 l. Jedburgh 18 men, monethly pay 162 l. Wigtoun 15 men, monethly pay 135 l. Pittinweyme 15 men, monethly pay 135 l. Dumfermling 12 men, monethly pay 108 l. Dumbartan 12 men monethly pay 108 l. Ranfrew 10 men, monethly pay 90 l. Lanerk 16, men, monethly pay 144 l. Kircudbright 20 men, monethly pay 180 l. Aberbrothok 10 men, monethly pay 90 l. Bruntiland 16 men, monethly pay 144 l. Peibles 10 men, monethly pay 90 l. Carrail 24 men, monethly pay 216 l. Kinghorn 14 men, monethly pay 126 l. Thayne 12 men, monethly pay 108 l. Selkirk 10 men, monethly pay 90 l. Anſtruther-weſter 6 men, monethly pay 54 l. Culros 12 men, monethly pay 108 l. Dumbar 12 men, monethly pay 108 l. Bamff 8 men, monethly pay 72 l. Whithorne 5 men, monethly pay 45 l. forfar 6 men, monethly pay 54 l. Forres 6 men, monethly pay 54 l. Rotheſay 5 men, monethly pay 45 l. Rutherglen 5 men, monethly pay 45 l. Northberwick 4 men

monethly

monethly pay 36 l. Culane 4 men, monethly pay 36 l. Nairn 4 men, monethly pay 36 l. Lawder 5 men, monethly pay 45 l. Innerkeithing 10 men, monethly pay 90 l. Kilrynnie 3 men, monethly pay 27 l. Annand 3 men, monethly pay 27 l. Lochmaben 3 men, monethly pay 27 l. Sanchuer 3 men, monethly pay 27 l. Galloway 1 man, monethly pay 9 l. Queens ferrie 7 men, monethly pay 63 l.

Item, It is ordained for profecution of the War againſt the Rebels within the Kingdom, That there be made up of the preſent Regiments upon foot, by Recrutes or otherways, 9000. foot and theſe to be in Eleven Regiments, each Regiment in 8. or 10. Companies, and in each Company 100. men, and where they are to be recruted, That each Company be made up of 126 men, where the ſame may be commodiouſly gotten done. And that 600 Horſe be imployed in this ſervice with their Officers and Commanders, to be made up and commanded as the Parliament and their Committees have given, or ſhall give order. And that the 500 Dragoneers, with a Lieutenant Colonel, Major, and other inferiour Officers, to be divided in 8. Companies, and to be payed conform to the Roll of eſtabliſhment, which Officers and Souldiers are to be intertained at the Rates contained in the Table above-written, which they are to receive duely in money and proviſion monethly, The one half at leaſt in money, and the other half in Oatmeal, or other proviſions uſefull for the Army, at the ordinary Rates for the time. And for the better collecting and ingathering of the ſaid ſums of money, for payment and entertainment of the ſaids Officers and Souldiers: The Eſtates nominats and appoints Sir *Adam Hepburn* of Humbie Generall Collector, with power to him to ſubſtitute Deputs in ilk Shire, and that other Collectors in Burghs and Paroches be appointed in ſiclike manner, as is contained in the Act of Taxt and Loane; with power to the ſaid Generall Collector to appoint a Clerk of Collection; Which Collector-Deputes, alſwel of Shires as of Burghs and Paroches and Clerk of Collection, ſhall have ſuch like Fees as is allowed in the ſaid Act of Taxt and Loane, and that to be uplifted out of the ſaid Shires and Paroches, by and attour the ſaid maintenance: And the burghs to be free, in reſpect they collect their Taxt upon their owne charges.

Item, If any Shire, Burgh, or Perſon therein deſigned, be deficient in paying their monethly proportion, ſo that the Souldiers for want be put to Quarters in any other Shire or Burgh, In that caſe it is ordained that the Shire or Burgh, who ſhall Quarter the Officers or Souldiers, ſhall have repetition of the failzies, with a third part more in name of falzie. And after compt and reckoning with the Commiſſar of the Regiments or Troupes, The Shires or Burghs ſhall have aſſignation *pro tanto*, and a third part more to their localitie for their relief and ſatisfaction: And in caſe of their refuſal, the Committee of Eſtates with the Army, is to give order thereanent to the Committee of War of the Shire, deſigned by the Eſtates, being conjunctly lyable for the proportion of the Shires, and the Magiſtrates of Burghs for the Burghs, except for ſuch lands of Burghs, as ſhall be found by the Committee of

of Estates with the Army to be still possessed by the enemy, or to have bin altogether wasted and burnt by them, so that they cannot be profitable to the Heritors, which deficiencie is to be supplyed by the Committee of Estates, out of the Fines, Forfeitures, or any other Moneys due to the Publick: And the Committees of Warre to have their relief of the disobedients to the double, and als to have the assistance of the Forces, if they require the same. And with power to the said Committees of War in every Shire (who are hereby declared to be lyable in the monethly maintenance due to the Souldiers) to call unto them any Heritor within their Shire *respective*, and to cause them binde with the said Committee for all summes of Money to be contracted for the said maintenance: But it is alwayes provided, That the Burghs that shall happen to bee upon the laids Committees of Warre of the Shire, shall be no farther liable nor answerable for the maintenance due by the Shire, but allanerly for the lands pertaining to the said Burgesses lying within the Shire, if they any have.

Item, To the effect that the Shires and Burghs be not deceived with false musters, and so pay for men who are not really in service, It is ordained, That these who shal be appointed for mustering, shall monethly, as they shall be required, take a survey of each Regiment and Company, as well Horse, Foot, as Dragooners, and that the Shires and Burghs who shal pay their proportion, or shall happen to quarter them, may have one, with such as shall be appointed by the Committee, to muster them, if he be present with the Armie, otherwise, in absence of the Muster-master, the persons so nominate by the Shire or Burgh, may muster them: And these Officers who are required to muster the men, and refuses, shall forfeit their place and by-gone pay; And whatsoever Horse shall be found to be made use of for making of false musters, the Horse shal be confiscate, and the owner of the Horse shall pay one hundreth pounds to the Publike, whensoever it shall be tried: And a Footman who shall be made use of for making of false musters, shall be punishable by scourging or burning. And the Roor-master, Captain, or any other Officer of Horse, Foot, or Dragooners, shall be found guilty of such false musters, shall lose his place instantly, and all his by-gone pay.

Item, It is ordained, That Magazines of Victuall be provided out of the moneys to be raised in part of what shall be due, and put in convenient and sure places of the Kingdom, from which it may be most commodiously carried to the Army: And that there be Provant Masters appointed, as well for the North as for the South. And to the end that these Magazines may be timously provided, the Provant Masters are appointed to go about the same diligently: And the Shires and Burghs are hereby ordained, before the first day of April next, To advance three moneths of the summes laid upon them. And because by the present Stent laid upon the Shires, the burden may be unequall, which cannot presently be known, in repect the valuations of Loan and Taxt are not come in, It is appointed, That the whole valuations within the Kingdom, not already brought in to the Clerk of the Loan

and

and Taxt, be brought in before the first day of May next, done and perfected, conform to the Act of Convention made thereanent: And that they may be compared by ane person to be appointed for ilk Shire, and the comparing to be perfected betwixt and the first day of June next. And if it shall be found that some Shires maintains more Officers and Souldiers than others, they shall be eased thereof, and each Shire proportioned in an equall way, conform to their Rents: And if the Shire shall failzie, and not bring in the valuations betwixt and the said first day of May next, They shall not onely be debarred from any benefit or ease to be granted to them, but also shal bear the burden of any ease shall be granted to these Shires who shall be found to be overburdened. And for the Burrows part of this Taxt, it shall be rectified and altered, according as their Taxt Roll shall be altered.

Item, The Retention of six for the hundered of annual-rents to be for the yeer of God 1645. *viz.* From Martimasse 1644. to Martimasse 1645. Providing alwayes the annual-rents be fully payed within the same yeer 1645. otherwise no Retention to be granted by the Creditour, who notwithstanding hereof, shall have power to charge the Debtor at any Terme, conform to his Band.

Item, That all Heritors of Land within Burgh, or Pendicles and Liberties thereof, all Burgesses, all Traffiquers exercising any Trade shall be subject to Taxation within Burgh; but prejudice for the time to come of the whole Members of the Colledge of Justice, their former Rights, Priviledges, and Immunities, wherewith for the present in regard of the present Exigence they do dispense.

Item, It is ordained, that no Suspension be granted of any charges to follow upon this present Act, without a discharge from the party charger, or consignation of the summe charged for, (if so be it be upon a speciall charge) and whilk consignation shall be made in the hands of the Collectors *respective*, *viz.* In the hands of the Collectors within the Shire for the Shire, and within the Burgh for the Burgh, Pendicles, and Liberties thereof, including within the Pendicles of *Edinburgh*, the houses, Tenements, and Yards within Leith, Canongate, and Pleasance, so far as pertains to the Town of *Edinburgh* in property or superiority, and within the pendicles of other Burrows, all that hath been in use to have been taxed with them: And all other Suspensions to be null; And that it be granted by the Committee of Estates. And these Suspensions to be past by the Clerk Register, and his Deputes, upon production of the Discharge from the Collectors of the Shires or Burghs, or a Testificate that the summes were consigned in their hands: And the same Suspensions to be discussed by the Committee of Estates or Parliament.

Item, It is statute and ordained, That all Fines, Forfaultures, Monys for Forfaulted Lands, Rents, and others past and done in this Session of Parliament, and in time coming, shall be imployed for the present use of the Army: As also that all Fines, Forfaultures, and Monys for Forfaulters, past and done in the former Session of this Parliament, which are not already disposed upon by the said former Session of

of Elgine, *John Semple* Burgesse of Dumbarton, M. *Alexander Douglas* Burgesse of Banff, *Edward Edgar* Burgesse of Edinburgh, and *James Barlas* Provest of Dundee supernumerary in this Commission for the Burrows. And their by and attour the said *John* Earle of Loudoun Chancellor, *Archibald* Marquesse of Argyle, *John* Earle of Lauderdale, *John* Lord Balmerinoch, Sir *Archibald Johnstoun* of Warriestoun, Sir *Charles Erskene*, M. *George Dundas* of Manet, Sir *John Smith* Provest of Edinburgh, *Hugh Kennedie* Burgesse of Air, and M. *Robert Barclay* Burgesse of Irving, who are Commissioners appointed by the Parliament to go to London, and are also to be upon this Commission as ane Committee of the Estates of Parliament, To whom, or Quorum under written, The saids Estates of Parliament, Renews, and hereby Grants the same Power, Commission, and Warrand, in all points, heads, clauses, and conditions contained in the foresaid 28. Act of the first Session of this present Parliament, then granted to the Committee of Estates of Parliament, and conform to the tenor thereof in every head and article of the same. Excepting onely herefra the Commission now granted by the Estates of Parliament to *Archibald* Marquesse of Argyle, *John* Earle of Cassils, *John* Lord Balmerinoch, *Robert* Lord Burghly, Sir *William Cochrane* of Cowdoun, Mr. *George Dundas* of Manet, M. *Francis Hay* of Balhousie, Sir *Michael Balfour* of Deanmylne, Sir *John Smith* Provest of Edinburgh, *John Kennedie* Burgesse of Air, *George Gardyne* Burgesse of Bruntiland, *William Glendoning* Burgesse of Kirkcudbright, or any five of them, ane being ane Estate, and the Lord Chancellor the president of Parliament, *Adam Hepburne* of Humbie supernumerary in this Commission as ane Committee of Parliament for Inbringing and distributing Moneys, and for regulating of the publick Accounts and Burrows of the Kingdom, conform to the Commission granted to them thereanent of the date hereof. With power and warrand thereby granted to them in manner, and to the effect respective therein contained, which Commission and power thereby granted is expressly excepted from this Commission granted to the said Committee of Estates. And further, Because there was ane Committee appointed by the Estates of Parliament, To consider and try the yearly rents and worth of the forfaulted estates of forefaulted persons, with the quality of the rents and duties thereof, whether Victuall, Money, or other duties and conditions. And to reduce the Victuall and other duties (not being silver duties) in money. And thereafter to try for buyers, according to the rates and prizes set down in the Act of Parliament in the 19. of this present Session. And also to consider and try the validity of the Bands Wadsets, Rights, and Securities of the Creditors and Cautioners of the forfaulted persons, with the truth, reality, and quantity of their debts and annuities, that dispositions might be granted to them of the forfaulted estates, at the prices contained in the said Act, in satisfaction of their debts, and to do every thing thereanent as might best clear the truth, and be most useful for the Publick. To whom power was likewise given To consider and try the rights and securities to have been

given to them by the Ladies and wives of the forefaulted persons, with their supplications, craving the benefit of their rights, notwithstanding of the forefaulter of their husbands, and what proportion should be given to these Ladies and wives, and upon what terms and conditions the famine should be given unto them: Which tryall and consideration, with the Committee their opinion thereanent, was ordained to be reported to the Parliament, or Committee of Estates after the Parliament, That thereafter sick course might be tane concerning the famine, as the Parliament or Committee of Parliament should think fit, as the Act granted to the Committee thereanent of the date the 28. day of February last proports, which Commission now expires. Therefore the Estates of Parliament Renews, and hereby grants and adds the foresaid power concerning the estates of forefaulted persons To the Committee of Estates now nominate, With power to them or their Quorum foresaid, to do every thing thereanent, as they shall think expedient and most usefull for the Publike, in the same manner as the Parliament might have done if they were sitting. But prejudice alwayes of the power contained in the foresaid other Commission granted to the Committee for inbringing and distributing of moneys, and regulating of the Publike Accounts and Burdens of the Kingdom, which with the power therein contained is exempted herefra, as said is.

And the Estates likewise considering how necessary it is, That part of the foresaid great Committee of Estates above-named remain with the Armie in England, and another part with the Armie within the Kingdom, and a third part thereof to stay at Edinburgh, Do therefore Nominate and appoint *William* Earle of Mortoun; *John* Earle of Cassills, *William* Earle of Lowthian, *John* Earle of Weymes, *Alexander* Lord Elphingstoun, *John* Lord Balmerinoch, *Robert* Lord Burleigh, *George* Lord Forrester, *John* Lord Barganie, *Patrick* Lord Lindsay, Sir *Patrick Hamiltoun* of Prestoun, Sir *Robert Greirson* of Lag, Sir *William Carmichael*, Sir *Thomas Nicolson* of Carnok, M. *Alexander Belsches* of Tofts, *Patrick Corkburne* of Clerkingtoun, Sir *William Crichtoun* of Cowdoun, *James Macdowell* of Garthland, *John Bruce* of Bishoptoun, Sir *John Hope* of Craighall *Hugh Campbel* of Cessnock, Sir *John Hamiltoun* of Orbestoun, Sir *Archibald Campbel*, Sir *James Smith* Provest of Edinburgh, *Rob. Mackeane*, Sir *William Dick*, *James Stewart*, and *John Binnie* Burgesses of Edinburgh, *Thomas Bruce* of Stirling, *George Bell* for Linlithgow, *John Lepar* Provest of S. Andrews, *James Bell* for Glasgow, *John Kennedie* for Air, *Richard Cheislane* for Haddingtoun, *George Gardyne* for Brunttiland, M. *Rob. Cunningham* for Kinghorn, *William Glendoning* for Kirkcudbright, *Gideon Murray* Lanerk, and *John Semple* for Dumbartan. And ordains the whole remanent Commissioners above-named who are not appointed for the Committees underwritten, *viz.* for the Committee that goes with the Army to England, and the Committee that goes to the North with these that are in the Commission to go to London, and these that are supernumerary to be upon this Committee that resides at Edinburgh

burgh; as also upon the other two Committees under-written, as they shall have occasion: And likewise nominates and appoints *John* Lord Balmerinoch to be President of this Committee residing at Edinburgh in absence of the Lord Chancellor, and in absence of them both, Ordains this Committee to choose a President, Or any seven of them, there being one of every estate, To be the Committee to reside at Edinburgh: And do hereby authorise them with the full charge and whole power above-mentioned, contained in the said former Commission, and now hereby added for the whole affairs within the Countrey, except before excepted. And Nominates and appoints *Alexander* Earle of Levin Lord Generall, *James* Earle of Calender Lord Lieutenant Generall, *Archibald* Marquesse of Argyle, *Alexander* Earle of Eglintoun, Earle of Buchane, *Charles* Earle of Dumfarling, *William* Earle of Dalhousie, *John* Lord Zester, *Francis* Earle of Bucleuch, *John* Lord Sinclar, *James* Lord Cowper, *Thomas* Lord Kirkcudbright, Sir *william Mure* of Rowallane, Sir *Davide Hume* of Wedderburn, Sir *John Wauchope* of Niddrie, Sir *William Scot* of Harden, Sir *John Hamiltoun* of Beill, M. *Robert Meldrum* of Brughlie, Sir *Patrick Hepburne* of Wauchtoun, Sir *William Dowglas* of Cavers Sheriffe of Tiviotdaill, Colonell *James Rae*, *George Porterfield* Burgesse of Glasgow, *Thomas Macbirnie* Burgesse of Dumfreis, *John Auchterfurd* Burgesse of Jedburgh, *James Sword* Burgesse of S. Andrews, and *David Simpson* Burgesse of Dysert: And appoints *Archibald* Marquesse of Argyle to be President of this Committee in absence of the Lord Chancellor, and in absence of them both Ordains this Committee to choose their own President, And Sir *Adam Hepburn* of Humbie to be at this or any of the other Committees, as he shall have occasion, Or any five of them, there being one of every estate, To be the Committee to remain with the Armie in England. As also nominates and oppoints *John* Earle of Crawfurd, *william* Earle of Marshall, *John* Earle of Sutherland, *William* Earle of Glencairn, *John* Earle of Kinghorn, Earle of Tullibardin, Earle Seaforth, *David* Earle of Southesk, Earle of Findlater, *william* Earle of Lanerk, Vicount of Arbuthnot, Vicount of Frendraught, *Alexander* Lord Balcarras, Lord Fraser, M. *George Winrahame* of Libertoun, *Brodie* of that ilk, *Udnie* of that ilk, Sir *william Forbes* of Cragievar, M *Francis Hay* of Balhousie, *william Scot* of Ardros, Sir *John Crawfurd* of Kilbunnie, Sir *Alexander Erskene* of Dun, Sir *Alex. Falconer* of Halkertoun, *Schaw* of Sauchie, Sir *John Sinclar* of Hiremestoun, Sir *Arthur Erskene* of Scottiscrage, *Arch. Sydserf* Burgesse of Edinburgh, *Rob. Arnot* Burgesse of Perth, *James Pierson* Provest of Dundee, *Alex. Halyburtoun* Burgesse there, M. *Robert Farquhar* Burgesse of Aberdene, *Pa. Leslie* Burgesse there, *wil. Loyn* Burgesse of Brechen, *Rob. Tailzeor* Burgesse of Montrose, M. *Alex. Dowglas* Burgesse of Bamff, M. *John Dowglas* Burgesse of Elgine, *Duncan Forbes* Burgesse of Innerneslie, *George Iameson* Burgesse of Cowper, *Iames Law* Burgesse of Kircaldie, And any one Burgesse that is upon the Committee for the Money

And Ordaines *John* Earle of *Crawfurd* to bee Prefident in abſence of the Chancellor, and in ablence of them both, Ordaines this Committee to choofe a Prefident; And Ordaines this Committee to meet at Perth on Fryday the fourteenth of this inſtant, And Sir *Adam Hepburn* to be at this Committee, as he ſhall have occaſion, Or any five of them, there being one of every eſtate, To be a Committee to go alongs and remaine with the Army within the Kingdome, Which two Committees appointed for the Army in England, and the Army within the countrey are hereby authorized with the government of the affaires of the Armies *reſpective*, (Except ſo far as concernes the power granted to the fore ſaid Committee for the Moneys, Compts, and Burdens, as ſaid is;) And to give their beſt advife, counſell and aſſiſtance, in what may conduce to the good and ſafetie of the ſaids Armies. And Ordaines all the ſaids three Committees, to keep correſpondence and intelligence with others anent their proceedings and condition of Affaires, and to give their orders and concluſions, in manner contained in the foreſaid former Commiſsion, which is hereby renewed.

Providing, That none of the Committees enter in Treaty anent the points and articles in queſtion betwixt his Majeſtie and the Eſtates of this Kingdome, or betwixt the Kingdomes themſelves, without conſent of a Quorum of the whole three Committees; And if any one of the Commiſsioners places ſhall vaik by deceaſe or otherwiſe, the Eſtates grants power to the reſt of the Quorum of that Committee To make choice of another of that ſame degree, to ſupply the vaik and place; And grants power likewiſe to the ſaids Committees, and ilk ane of them as they ſhall have occaſion, To conveene ſuch Noblemen, Barons and Burgeſſes for their advice and aſſiſtance, as they ſhall think fitting. And if any matter of importance doth occurre, that requires the reſolution of the Eſtates, In that caſe, the Committee remaining at *Edinburgh*, Hath hereby power to call the Eſtates of Parliament; And the Eſtates Ordaines the ſaids Commiſsioners at their firſt meeting, To accept the Commiſsion, and give their Oathes for faithfull diſcharge of the truſt committed to them, And to fine ſuch of their number as ſhall not give diligent attendance of their meetings. And the Eſtates declares, that the generall Officers of the Armies, and *William Thomſon* Depute to the Thelaurer of the Armie, are hereby Priviledged to be preſent in all the ſaids Committees, as they ſhall have occaſion. And ſicklike, it is hereby declared, that the whole perſons authorized in Commiſsion to the Kingdom of *England*, and every ane of them ſhall have place and vote in all the ſaids three Committees, as they ſhall happen to be preſent. And the Eſtates hereby holds firme and ſtable whatſomever things the ſaids Commiſſioners or Quorum foreſaid ſhall do, in manner, and for the ends contained in this and the other Commiſsion, whereunto this is relative, and according to the power therein contained; They being anſwerable to the Parliament for their proceedings in the foreſaid Commiſſion and Committees *reſpective* abovewritten, Which is to indure

to the next Session of Parliament. And the Estates addeth this power to the Commission, *viz.* To exact three Dollers from everie Noblemen, two Dollors from every Baron, and a Dollor from every Burges for ilk dayes absence from the Committes, within the times divided and appointed for their severall attendance, according as shall be condiscended by the said Committee, With power also to the Committee to depose such as they shall think fit for not attendance, and keeping of the dytes of the Commission, and to put others in their place.

ACT XVII.

Commission for inbringing and distributing of Moneys, and for regulating of the Publike Accompts and Burdens of the Kingdome.

8. *March* 1645.

THe Estates of Parliament now conveened in the second Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament, holden by his Majesty and three Estates in *Anno* 1641. Having taken to their consideration how necessary it is for advancement of the Publike Affaires of the Kingdome, and for the right ordering and regulating of the matter of Moneyes, and Publike Accompts, That a select Committee be nominate, authorized, and intrusted by the Parliament, for ordering and regulating of the haill Publike Accompts, Debts, and Burdens of the Kingdome, And for bringing in of Moneys, and other Provision, and distributing the samine for the maintenance and entertainment of the Armies, and for the other publike and necessary Affairs of the Kingdome, conforme to the Commission aftermentioned. Therefore the saids Estates of Parliament hereby nominates, authorizes, and appoints the persons following, *viz.* *Archbald* Marques of Argyle, *John* Earle of Caisils, *John* Lord Balmerino, *Robert* Lord Burghley for the Noblemen. Sir *William Cochran* of Cowdoun, M. *George Dundas* of Manor, M. *Francis Hay* of Balhousie, Sir *Michael Balfoure* of Denmylne for the Barons, Sir *John Smyth* Provest of Edinburgh, *John Kennedie* Burgesse of Air, *George Gardine* Burgesse of Brunteland, and *William Glendoning* Burgesse of Kirkcudbright for the Burrows. And *John* Earle of Lowdoun Chancellour, *John* Earle of Crawfurd-Lindsay President of Parliament, and Sir *Adam Hepburn* of Humbie Generall Commissar supernumerarie in this Commission, To whom, or any five of them, there being ane of every Estate: The saids Estates hereby grants full Power and Commission, To prosecute the wayes and means already laid down, for bringing in of Moneys for the use and entertainment of the Armies within this Kingdome, and for such other necessary and urgent Publike Affairs thereof

thereof as ſhall occur re. And for that effect, To proſecute and follow forth the courſe already eſtabliſhed by the Act of Parliament for borrowing of Money. And to grant and ſubſcribe Publike Acts and Securities for the ſame, conform to the order formerly eſtabliſhed and obſerved, and to call for all by-run ſummes decerned already, and not payed, and to cauſe execute theſe Decreets; and to aſsiſt the generall Collector in calling in the Moneys and ſummes impoſed upon the ſeverall Shires and Burghs of this Kingdome, for the maintenance of the Armies, conforme to the Act of Maintenance paſt in this preſent Seſsion of Parliament: And to call in the Accompts of the Rents, Summes, Goods, and others belonging to all Malignants and Forfaulted Perſons, Together with all other Accompts concerning the Publick, and to cloſe, allow, controll, or diſallow thereof, as they ſhall find the ſame juſt and reaſonable, and to give Commiſsions for uplifting and intrometting therewith, and to take ſecuritie for the ſame: And to call for payment and compt of all Repondies and Debts addebted and due by any perſon to the Publike: And with power to them to direct ſuch Orders, Letters, and Execution, as ſhall be neceſſar for in bringing of the ſaids Moneys, Compts, Reſpondies, Rents and others foreſaids, belonging to the Publike, and to pronounce Decreets and Sentences thereanent, and cauſe put the ſame to execution, and to reduce the haill Compts and Debts of the Kingdome in ſuch order as the Debts and Burdens of the Publick may be known. And for the better clearing and regulating of the ſaids Publike Accompts and Debts of the Kingdome, With power to the forenamed perſons of their *Quorum* foreſaid, To call for inſpection of the Regiſters, Records, and Warrands of all other Committees, To the effect that all Reſpondies may be exactly extracted forth thereof, and the perſons lyable therein, may be made comptable for the ſame, And with power to them, To call for, and receive the Warrants of all former Compts already paſt by the Parliament, or their Committees. Likeas the ſaids Eſtates of Parliament, hereby commits and intruſts to the foreſaid Committee, The ſole and onely power of diſpoſing and diſtributing of all Moneys which ſhall come in and be due to the Publick: Together with the haill Rents and Duties of Lands, Summes of Money, Moveables, and others belonging to Malignants and Forfaulted perſons, with all fines and prices of Forfalted Lands, and others whatſomever pertaining to the Publick, and to imploy the ſame in the firſt place for the Maintenance and entertainment of the Armies within this Kingdome, in manner after mentioned. And for this effect grants to them, The ſole and onely power, to give out and ſubcribe Precepts for the pay and maintenance of the Armies, and for Intelligence, Poſts, buying of Arms and Ammunition, the Train of the Artillery Carriages, and ſuch other preſſing and urging Affaires as Concerns the out-reik, expedition, and maintenance of the Armies allanerly. And Ordains every Precept to be ſubſcribed by a full *Quorum* of the ſaid Committee at the leaſt, which perſons ſubſcribers thereof, ſhall be anſwerable to the Parliament, That they ſubſcribe

no

no Precepts but for the causes foresaids, till the Affaires and maintenance of the Armies be first dispatched and satisfied: Wherein if the said Committee contraveen and failzie, The saids Estates of Parliament hereby declares and ordains the subscribers of the saids Precepts, to be lyable in repayment to the Publick of all such summes for which they shall draw Pretepts for any other cause, till first the affaires and maintenance of the Armies be satisfied. With power to the said Committee in the next place, To dispose and grant Precepts upon borrowed moneys, and the excise moneys, for other necessar uses: The Armies being first payed and entertained, excepting alwayes these particulars contained in the Act of Parliament, which are ordained to be first paid out of the Excise, alwell to Burgh as Land: And ordains them frequently to consider the estate of the Publick Cash, and what moneys are therein fra time to time, and to draw no Precepts but when there is money in the Cash to satisfie and answer the same. Likeas, the saids Estates Ordaines the foresaid Committee in their distribution and ordering of the payment of moneys to the Armies, to distribute the same equally, & to take such constant course, as all Regiments of Foot and Horse be put & keeped in equality of pay, either in Money, Proveant, or other Provision, according to their strength and Muster-Rolls, being mustered, as is provided in the Act of Maintenance. And to the effect that both Officers and Souldiers of the Armies may know their own proportion due to them of all moneys to be payed to them, It is ordained, that all precepts to be drest by the said Committee for that effect shall bear *in cumulo* what proportion of the haill summes contained in the precept is allowed to be payed to the Officers; and what proportion thereof to the Souldiers of the Regiment, Troop, or Company for which the saids precepts are granted. And where matters of difficultie or importance shall occurre, The saids Estates of Parliament Ordains the Committee of Estates to give their advice to the foresaid Committee hereby appointed, as they shall necessarily desire the same. And because the subjects above-written of the matters of Money, Compts, and Debts of the Kingdome will necessarily require constant and continuall attendance, and great care and pains to be taken by the Members thereof for the exact managing and regulating of the samine subjects, hereby intrusted to them; Therefore the Estates declares, that at their next meeting, they will take in speciall consideration their pains and charges, and give in to them present allowance for defraying the samine. And the saids Estates ordains, That the Clerk to be appoynted by the Clerk-Register for this Commission, shall have the custt & keeping of the Respondie Books, and of all the Accompts, Instructions, and Warrands thereof, which concerns the Publike. And if any of the saids Commissioners places shall vaike by decease, or otherwise, the rest of the Quorum, with advice of the Committee of Estates, shall have power to make choice of others of the same degree, to supply the vaiking places, one or moe. Which Commissioners shall at their first meeting, accept this Commission, and give their solemn Oath,

for

for the faithfull discharge of that trust hereby committed to them, and shall have power to fine such of their members as shall not give diligent attendance, And which Commissioners shall bee answerable to the Parliament for their proceedings, fidelitie, and attendance in this Commission, Which is to endure till the next Session of Parliament. And the Estates declares, that the securities to be granted to the lenders of Money, by order of the foresaid Committee sitting at *Edinburgh*, shall be sufficient being subscrived by five, there being ane for ilk estate, Which is the Quorum of the said Committee: And the securitie to be granted to the Lenders of Money, by order of the Committee at the Army, or in the Country, shall be sufficient, being subscrived by three of the said Committee, together with any foure of the Committee of Estates being at the Army, there being one of every estate; And declares this Commission to bee but prejudice to *James Hamilton* of Boiges, and *James Stewart*, anent their assignations of borrowed Money formerly granted to them, they accepting Deputations or Precepts from the Generall Commissioner, for uplifting the Moneys contained in their assignations, and giving bands to be comptable to him, but prejudice their assignations, as said is.

ACT XVIII.

Anent Defalcance for the Burnt and Wasted Lands.

March 8. 1645.

THE Estates of Parliament now conveened, in the second Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament holden by his Majestie and three Estates, in *Anno* Considering That forsameikle as the Committee of Warre of the severall Shires of this Kingdome are appointed by the Act made anent the Maintenance of the Armies to be sent forth against the Irish Rebels, who have lately invaded this Kingdome, and their associates, To be answerable for the proportion of the said Maintenance imposed upon their Shires, the Lands possessed by the Enemie totally burnt and wasted, the said Act at length bears, And considering That certain Noblemen and Gentlemen of the Shires have undertaken presently to advance their whole first Moneths Maintenance of the famine Shires but any defalcation, for the Lands within the famine Shires totally burnt, wasted, or possessed by the Enemy, Therefore doe hereby Statute and Ordaine, That the Committee of Warre of the said Shires shall have Defalcance of the third of their second Moneths Maintenance foresaid of their proportion thereof, which is due forth of Lands or Burghs within the famine Shires possessed by the Enemie or totally burnt and wasted, both for the first and second Months

for Maintenance

Maintenance foresaid, and so forth Monethly thereafter, during the time of the said Maintenance. And for the clearing thereof, doe hereby give power to the Committee which goes with the Armie after due tryall, To set down a Roll or Inventar of the particular Lands or Burghs of the saids Shires totally burnt, wasted, or possessed by the Enemie, and of the severall proportions of the said Monethly Maintenance due forth thereof, and to send the samine to the Collector of the said Maintenance, subscribed by the President of the said Committee, and by the Clerk thereof. And declares, That there shall be no Retention while the losses be declared.

ACT XIX.

Act Salvo jure cujuslibet.

8. *March* 1645.

THE Estates of Parliament now conveened in the second Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament holden by His Majesty and three Estates, in *Anno* 1641. Considering That in this present Session of Parliament, there are many Particular Acts, and Acts of Ratification, made in favours of particular Persons, Which may be prejudiciall to the parties having interest and not heard; Albeit the meaning of the Estates be at this time, as it was ever in all preceding Parliaments, that by no Particular Act, or Act of Ratification granted to any particular Person, any other parties should be hurt or prejudged of their lawfull Rights and Defences, competent to them of the Law. For remedy whereof, It is Statute and Ordained, That no Ratification or other particular Act whatsoever made in favours of any particular Person in this present Session of Parliament, Be prejudiciall to any other parties Rights or Defences, competent to them of the Law; But that the saids Particular Acts, and Acts of Ratification made in favours of particular parties, be alwayes understood, *Salvo jure cujuslibet*.

ACT XX.

ACT XX.

Of continuation of the Parliament to the second Tuesday of July next.

8. *March* 1645.

THE Estates of Parliament now conveened in the second Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament, holden by his Majesty and the three Estates, in *Anno* 1641. Continues this present Parliament, and all Summonds, Processes, and Actions belonging thereto, which are not remitted to the Committee of Estates of Parliament, while the second Tuesday of *July* next to come: At the which day, or sooner, as the Committee of Estates or Quorum thereof shall appoint, Ordaines the whole Estates to be Present, and to attend at *Edinburgh*, or where it shall happen the famine to be holden for the time. And in the meane time, The Estates declares this present Parliament currant to the day foresaid: And Ordains the whole Acts and Statutes made and concluded in this Session of Parliament, To stand, and have the force and strength of Lawes and Acts of Parliament, conforme to the tenors thereof, Sicklike as any Acts and Statutes of any preceding Parliaments in any time bygone. And Ordaines publike Proclamation to be made hereof at the Mercat Crosse of *Edinburgh*, by sound of Trumpet.

ACTS.

ACTS
DONE IN THE THIRD Seſsion of the foreſaid Parliament, Holden at *Stirling*, beginning the eighth of *July*, 1645. and ending the eleventh thereof.

ACT I.

Act anent the out-putting of Forces for the preſent neceſsitie.

9. *July* 1645.

THE Eſtates of Parliament now conveened in this third Seſsion of the firſt Triennall Parliament, by vertue of the laſt Act of the laſt Parliament holden by his Majeſty and three Eſtates, in *Anno* 1641. Taking into their conſideration the preſent condition of this kingdom, and how that the peace of the ſame hath been troubled theſe Moneths bygone, by a baſe crew of Iriſh Rebels, joyned with unnatural Countrymen, who has had the greater ſucceſſe in their traiterous attempts, That they have never yet been purſued with that ſtrenght was neceſsary, Some weakned Regiments, and Countrey people raiſed in the ſhires being only employed againſt them, without the aſsiſtance or countenance of the Nobilitie, Gentrie, and ſtrength of theſe bounds from which they were ſtifled. And there with all conſidering, that by the bleſsing of God upon the forces of their brethren in *England*, and good poſture of the Scots Armie there, This kingdome is for the preſent freed of all feares from without, Have thought fit to apply themſelves and their power for ſuppreſſing this Rebellion within: And for that effect, Do ſtatute, ordaine, and command, all the Noblemen, Gentlemen, and Heritors within the Kingdome upon their alleageance, To riſe preſently in armes after the intimation hereof, with all the able Horſe they can raiſe. As alſo, that the particular numbers of Horſe and Foot underwritten, be preſently raiſed in the Shires following, *viz.* In the Sheriffdoms of Roxburgh and Selkirk, a thouſand Foot, and fiftie Horſe. The Sheriffdome of Berwick ſix hundreth Foot, and thirtie Horſe. The Sheriffdome of Haddingtoun ſix hundreth Foot, and thirtie Horſe. The Sheriffdome of Edinburgh principall, ſix hundreth Foot, and thirtie Horſe. And the Bailliare of Lauderdale their proportionall number. The Sheriffedome o

Peibles two hundereth Foot, and ten Horse. The Sheriffedom of Lithgow two hundereth and fiftie Foot, and fifteene Horse. The Sheriffedome of Stirling and Clackmannan thirtie Horse. The Sheriffedome of Lanerik seven hundreth and fiftie Foot, and fiftie Horse. Wigtoun and Kircudbright six hundreth Foot, and thirtie Horse. The Sheriffedome of Drumfreis six hundreth Foot, and thirtie Horse. Air and Renfrew a thousand Foot, and threescore Horse. The Sheriffedome of Fyse twelve hundreth Foot, and threescore Horse. The Sheriffedome of Perth twelve hundereth Foot, and threescore Horse. Dumbartan Shire two hundreth Foot: And that both Horse and Foot aforesaid, and haill Noblemen, Gentlemen, and Heritors be provided with sufficient armes, and the Foot with eight dayes provision; and the Horse with fourtie dayes provision; and march forthwith to the randezvous underwritten, *viz.* The Shires of Haddingtoun, Edinburgh, Peibles, Lithgow, Lanerick, Fyse, Perth, and Dumbartan, to be at the Burgh of Pearth upon the nineteenth of this Moneth of *July*; And the Shires of Roxburgh, Selkirk, Berwick, Wigtoun, Kircudbright, Drumfreis, Air, and Renfrew, to be at the Town of Pearth upon the twentie fourth of this Moneth, where they are to receive farther orders. And ordaines the Committees of War in the severall Shires aforesaids, and Magistrates of Burrows within their own bounds, To be answerable for bringing the numbers particularly abovewritten layed on them to the randezvous aforesaid, With power to them for that effect To appoint one or more in each Parish, for convoy of the forces of that Parish, and to take such other courses for procuring effectuall and prompt obedience to this Act, and bringing out of their forces as hes been allowed in any former Leavies: As also, that they be carefull that the Deficients and Runawayes both Horse and Foot of the former Leavies be brought to the said randezvous; Certyfing hereby all such Noblemen, Gentlemen, Heritors, Committees of War, Magistrats of Burrowes, and others persons of whatsomever degree or quality that shall fail herein, or not keep the dyets of randezvous aforesaid, They shall be esteemed and punished as Enemies to Religion and the Safetie of the Kingdome, and as accessory to the Rebellion, and art and part of the same. And to the effect it may be the better known who shall be neglective of their dutie herein; It is appointed, that the Noblemen, Gentlemen, Heretors, Committees of War, and Magistrates of Burrows, shall under the paine aforesaid, bring along with them to the randezvous a list of all such persons within their bounds as shall not come out conforme to the Act, That the same may be presented to the Parliament, who have resolved to meet at Pearth, upon the said twentie fourth day of this moneth, To give their concurrence and authoritie for pursuing the Rebells, and punishing such as shall not give ready obedience hereto. And the Estates Ordaines this Act to be printed and published at the Mercat Crosses and Parish Kirks of the shires aforesaid, whereby none pretend ignorance thereof.

ACT II.

ACT II.

For inbringing and prorogating the Commissions to the Committee of Estates, and Committee for inbringing and distributing of Moneys.

10. *July* 1645.

THE Estates of Parliament presently conveened in the third Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament, holden by his Majesty and three Estates, in *Anno*, 1641. Renews and prorogates the Commission granted to the Committee of Estates by the Estates of Parliament in the second Session of this Parliament, upon the 8. of March 1645. To the persons, for the cause, and to the effect therein mentioned, and conform to the tenour thereof in all poynts. As also renewes and prorogates the Commission for inbringing and distributing of Moneys, and for regulating the publick accompts and burdens of the Kingdome, granted by the Estates of Parliament in the foresaid second Session of this Parliament, upon the said 8. of March last bypast, to the persons therein nominate, and conform to the tenor of the samine Commission in all points. And likewise renewes and prorogates the Commission granted by the Estates of Parliament, in the second Session thereof foresaid, upon the day of last bypast, to the Commissioners of Exchequer therein specified, conform to the tenour of the samine Commission, and with the power therein mentioned, with the whole remanent Commissions formerly granted in the second Session of this Parliament. Which haill Commissions hereby renewed, The Estates of Parliament Ordaines the samine haill Commissions, and every one of them To stand in full force and effect, conforme to the tenours thereof *respective* in all points unprejudged by the interveening of this present Session of Parliament, while the twenty fourth day of July instant.

ACT III.

Restraining any to go out of the Countrey without licence.

10. *July* 1645.

THE Estates of Parliament presently conveened in the third Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament holden by his Majesty and three Estates in *Anno* 1641. Considering how necessary it is that the haill Forces within the Kingdome be put in a Posture for defence thereof and suppressing of the present Rebellion, and being informed of the prejudice that ariseth through the weakning of many of the Shires and Borrows, by transportation of men to Ireland and other places forth of this Kingdome, who are thereby made unable to perform these duties required of them by the Estates, Do therefore Statute and Ordain That no person whatsoever transport themselves

ſelves forth of this Kingdom to Ireland, or any other place, without a ſufficient Paſſe granted by the Committee of Eſtates, or Committees of War within Shires, or Magiſtrates within Burghs, who are only permitted to grant Paſſes to ſuch as are actual Residenters within their Shires and Burrows *reſpectivè*, with Certification to any that ſhall tranſport themſelves without the Warrand foreſaid, ſhall forfeit their haill moveable Goods, To be intromcttcd with by the Heritors of the ground where they dwell in Shires, and by the Magiſtrates of Burghs within Burgh, for the uſe of the Burgh: and the one half to pertain to the Heretors, and the other halfe to pertain and be compted for by them to the uſe of the Publick: With power to the Committees of Shires within the Shires, & Heritors of the Lands where they ſhall be found, and Magiſtrates of Burrows within Burghs, To apprehend the perſons, and put them in priſon, till the Committee of Eſtates inflict ſuch puniſhment as they ſhall think fit. Likeas alſo it is ſtatute and ordained, That no Mariner, Maſters of Ships, Boat or Bark, tranſport, nor ſuffer to be tranſported, any perſon without Warrand foreſaid out of the Kingdome, under the foreſaid pain of confiſcation of the Barks and Veſſels that ſhall happen to tranſport them, and to be lyable to the Heritors and Maſters of the tranſported perſons, for the payment of all debts or other duties to be performed by them to the Maſters, Heritors of the Land where they dwell. With power to the Committees of the Shires, Magiſtrates of Burghs to apprehend their perſons, ſeaze on their Veſſels, and take their Sails from their Roes, till they be cenſured in manner aforeſaid. And with power alſo to the Committees of Shires, and Magiſtrates of Burghs to ſeaze upon any Veſſels that ſhall come out of Ireland or any forreign place, till they finde caution to obſerve the premiſſes.

ACT IIII.

Continuing the Parliament to the 24. of July inſtant, to be holden at Perth.

11. *July* 1645.

THe Eſtates of Parliament now conveened in the third Seſſion of this firſt Triennall Parliament, by vertue of the laſt Act of the laſt Parliament, holden by his Majeſty and three Eſtates in *Anno* 1641. Continues this preſent Parliament, and all Summonds, Proceſſe, Actions, and matters belonging thereto, while the 24. of July inſtant, with continuation of dayes to which day, or ſooner, as the Committee of Eſtates, or Quorum thereof ſhall appoynt, Ordaines the haill Eſtates to be preſent and attend at *Perth*, or where it ſhall happen the ſaid Committee to appoint the ſame. And in the mean time the Eſtates declares this preſent Parliament current to the day foreſaid. And ordains the Acts made in this Seſſion of Parliament, to ſtand, and have the Force and ſtrength of Laws and Acts of Parliament, conform to the tenours thereof ſiclike as any Acts of any preceding Parliaments in any time bygone. And Ordains publick Proclamation to be made hereof at the Market Croſſe of Stirling by ſound of Trumpet.

ACT

ACTS

DONE IN THE FOURTH Session of the aforesaid Parliament: Holden at *Pearth*, beginning the twentie fourth of *July*, 1645. and ending the seventh of *August*, 1645.

ACT I.

Act anent these who goes away from the Armie.

29. *July* 1645.



THE Estates of Parliament now conveened, in the fourth Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament holden by his Majesty and three Estates, in *Anno* 1641. Taking to their consideration, that divers of the Subjects who have now lately conveened here for prosecution of the Rebells, Have now returned to their own homes without permission obtained for that effect; And thereby, so far as in them lyeth, hath weakened the Good Cause by withdrawing their help therefra: Therefore they statute and ordaine That no Person of whatsomever state or qualitie, goe to their own Homes from the Army and Quarters, under the pain to be repaired and holden as Malignants, and persons disaffected to the good of Religion, and the Kingdome; And to be proceeded against conforme to the Certification contained in the Act of Parliament made at Stirling: And ordaines thir presents to be published at the Market Crosse of Pearth by sound of Trumpet, And to be sent to the Lieutenant General, to be published by him in the Leaguer, and in the Quarters where the Army lyeth; which the Estates declares to be a sufficient publication hereof, to put all the transgressours of the premisses *in mala fide*.

ACT II.

Act of approbation of the Directorie, and for recording, publishing, and practising of the same, conforme to the Printed Copie.

2. *August* 1645.

THE Estates of Parliament now conveened, in the fourth Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament holden by his Majestie and three Estates in *Anno* 1641. Having seriouslie considered the Printed Copie of the Directorie for publike worship, now presented unto them from the Commissioners of the Generall Assembly; And finding the same agreeable to the Copie presented from the late Generall Assembly in the preceding Session of this Parliament, Doe therefore ratifie and approve the said Printed Copie, & ordaines the Directory for the publike worship to be recorded, published, and practised, according to the tenor thereof.

ACT III.

Act for punishing and fining of these who have not keeped the Randezvous.

2. *August* 1645.

THE Estates of Parliament presentlie conveened, in the fourth Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament holden by his Majestie and three Estates in *Anno* 1641. Considering how necessar it is for the Good of the present service, and encouragement of such as in obedience of the Act of Parliament made at Stirling the ninth of July last bypast, Hes keeped the Randezvous appointed at this place; That some present exemplar course be taken with such as have stayed at home, in contemning the publick call of the Kingdome, and withdrawing their assistance from it in such an exigencie: Doe therefore statute and ordaine, that the forth part of every ones Land Rent, Money Rent, and casuall Rent, according to the valuation without deduction Be forthwith exacted from all such Noblemen, Gentlemen, and Heritors, who were appointed to keep the Randezvous on the nineteenth day of July last, and are not alreadie come: And from such as was ordained to keepe the Randezvous upon the twentie fourth of this Moneth, and hes not come before the last day of July. And the Estates declares, that these who have gone away without leave, shall be in like condition with the absents: As alsa aged and infirme persons, who hes not put out Horses for themselves,

to be in the same condition, Which fines, the saids Estates Ordaines to be imployed for the second outreike of Horses out of the particular Shires; and the Committee of Warre in ilk Shire, to bee obliged for the employment of the superplus thereof, upon an Magazine of Armes and Ammunition, and these Shires onely to have benefit thereof, that shall satisfie their dues: As also, ordains the Committees of ilk Shires to be uplifters of the saids fines, and to be judges of all the excuses of Noblemen, Gentlemen, Burrows, and Commons, and to have letters of horning directed at their instance for that effect upon their decreets to be pronounced by them, for not fulfilling of the Act of Parliament made at Stirling the ninth of July last, for their not compeerance at Perth at this time, conforme to the publike orders.

ACT IIII.

Act for managing of the Warre.

August 5. 1645.

THE Estates of Parliament now conveened in the fourth Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament, holden by his Majestie and three Estates in *Anno* 1641. After hearing of the report made by the Committee for managing of the Warre, and after debating thereupon, and publike voicing in the house; Doe enact, statute, and ordaine, That the directing of the Warre, shall be by the Parliament or Committee of Parliament; And the actuall managing and executing of the directions, To be by the Commander in cheif, As he will be answerable to the Parliament or their Committee.

ACT V.

Act anent the attendance of Officers.

August 5. 1645.

THE Estates of Parliament presently conveened, in the fourth Session of this last Triennall Parliament, by vertue of the last Act of the last Parliament, holden by his Majestie and three Estates in *Anno* 1641. Considering the prejudice formerly occurred to the publike service, Through the not attendance of the Officers upon their severall charges: Doe therefore enact and ordaine, That all Officers of the Armie attend their charges, Unlesse they be called by publike warrand for some other services of the State, or have ane foirloofe from the Commander in cheife, with certification to them who failzies; That they

they shall loose their places; And the Parliament or their Committee shall make new election of Colonells and Rootmasters, who are not informed Regiments.

ACT VI.

For the new Recrute, and division thereof.

5. *August* 1645.

THE Estates of Parliament presently conveened in the fourth Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament, holden by his Majesty and three Estates in *Anno* 1641. Considering, That for pursuing of the Rebells within this Kingdome, There be made up the number of a thousand Horses: And for that effect, that each Shire doe presently furnish out the like number of sufficient Horsemen, as was layed upon them by the Act of Parliament made at Stirling; And that to ease themselves of a burden in staying all here present with the Army, which number now to be furnished out, are by and aboue that number lyed upon ilk Shire at Stirling, And which doubled number, with such as are already on foot, are conceived to bee necessare for the present service, conforme to the Act made thereanent, dated the second of August instant; For better managing of which Horse now to bee Leavied, and of the particular number of Foot, appointed to have beene Leavied out of the severall Shires, by the said Act made at Stirling: The said Estates of Parliament Hes adjoyned and appointed the saids Horses and Foot, to serve and be under command, as followeth, *viz.* Threescore Horse out of the Sheriffdome of Hadingtoun, Threescore Horse out of the Sheriffdome of Edinburgh, A hundreth and twentie Horses out of the Sheriffdome of Air and Baronie of Renfrew, And a hundreth and twentie Horse out of the Sheriffdome of Fyfe, To serve and be under the command of *Alexander* Lord Balcarras. Threescore Horse out of the Sheriffdome of Berwick, Threescore Horse out of the Sheriffedom of Lithgow, A hundereth Horse out of the Sheriffdome of Teviotdaill, Threescore Horse out of the Sheriffdome of Niddisdaile, Threescore Horse out of the Sheriffdome of Wigtoun and Stewartie of Kirkcudbright, A hundreth Horse out of the Sheriffdome of Lanerk, Threescore Horse out of the Sheriffdome of Stirling, And a hundreth and twentie Horse out of the Sheriffdom of Peaith, Thir to be made up in Regiments, and Major *Mungo Murray* to be Licutenant Colonell of that Regiment: And is to make up his owne Troop out of the readist Horse of Lanerk and Lithgow, *Hary Bruce*, eldest Son to the young Laird of Clakmannan, to be one of the Rootmasters, and to have the charge of the threescore Horse of

Stirling

Stirling Shire, and *Mackulloch* to be Rootmaster of the threescore Horse of Wiggtoun and Kirkcudbright: Twentie Horse out of the Sheriffdome of Peebles, to be joyned to *Lawers* Troop, for recruting thereof: Six hundreth Foot out of the Sheriffdome of Berwick: Two hundereth and fiftie Foot out of the Sheriffdome of Linlithhow, for recruting the Earle of Callenders Regiment: Six hundereth Foot out of the Sheriffdome of Haddingtoun, Six hundereth Foot out of the Sheriffdome of Edinburgh, And two hundereth Foot out of the Sheriffdome of Peebles; whereof eight hundereth out of the redieſt of theſe of Haddingtoun and Edinburgh, for the Earle of Lauderdails Regiment, And two hundereth out of the readieſt of the remainder of theſe two Sheriffdomes, of Hadingtoun and Edinburgh, and out of the Sheriffdome of Peebles, for the Lord Chancellors Regiment; A thouſand Foot out of the Sheriffedome of Teviotdale, to be ſent into New Caſtle: Six hundereth Foot out of the Sheriffdome of Drumfreis, for recruting Colonell *Homes* Regiment: Six hundereth Foot out of the Sheriffdome of Wigtoun and Stewartrie of Kirkcudbright, for the Earle of Caſſills Regiment: Six hundereth Foot out of the Sheriffdome of Lanerk, for Colonell Robert *Cuninghame* his Regiment: A thouſand Foot out of the Sheriffdome of Air and Baronnie of Renfrew, whereof ſix hundreth for the Lord Chancellors Regiment, and the other four hundreth to bee devided betwixt the Earle of Caſſils and Colonell Robert *Cuninghame*: A thouſand and two hundereth Foot out of the Sheriffdome of Fyfe, to be divided equallie betwixt the Earle of *Crawfoord* and Colonell *Arnot*: A thouſand and two hundereth Foot out of the Sheriffdome of Pearth, for recruting of *Lawers* Regiment: And two hundreth Foot out of the Sheriffedome of Dumbartan, for recruting the Marques of Argyles Regiment.

ACT VII.

For retention of the three Moneths Maintenance, for payment of the Quarterings.

5. *Auguſt* 1645.

THE Eſtates of Parliament now conveened in the fourth Seſsion of this firſt Triennall Parliament, Having taken to their conſideration the Reſults exhibited unto them from their ſeverall bodies, upon the continuation of the Act of maintenance; Doe ordain, and enact, that one Moneth of the firſt three Moneths now to be Prorogate, be preſently advanced; Providing alwayes, That where there hes been any quartering of Souldiers in any Shires ſince the twentieth day of March laſt, The perſons who have furniſhed quarters, Shall have retention *pro tanto* in the firſt end of their Maintenance, for their quarterings ſince that time.

ACT VIII.

Against Swearing, Drinking, and mocking of Pietie.

August 7. 1645.

THE Estates of Parliament, considering that by the solemn Nationall Covenant, sworn and subscribed by people of all ranks within this Kingdom, and ratified in Parliament in *Anno* 1641. The whole Lieges have bound themselves before God with a solemn Oath so to behave themselves in their lives and conversations as beseemeth Christians who have renewed their Covenant with God, and have faithfully promitted for themselves, their followers, and all others under them, both in publike and their particular families and personall carriage, to endeavour to keep themselves within the bounds of Christian liberty, and to be good examples to others of all Godlinesse, sobriety, and righteousnesse, and of every dutie they owe to God and man: And also calling to minde that the neglecting of the performance of that part of the solemne Oath of the National Covenant, and the open abundance of all vices, dishonourable to God, and reproachfull to the said Nationall Covenant, hath without doubt occasioned the heavie judgments which the Lord in his great wrath hath powred out upon this Land, as appeareth this day: Therefore the Estates for curbing such vices as are grosse and most usuall, and for testifying their detestation thereof, and for putting a marke upon the committers of the same, Statute and Ordain, That whosoever shall Swear, Curse, or Blaspheme, & whosoever shall Drink excessively, especially under the name of Healths, and also all mockers and reproachers of pietie, or the exercise thereof, or who shall be found culpable of all or any one or other of the foresaids vices by any Kirk Judicatorie whereunto they are subject, having beene once already censured by the saids Kirk Judicatories for the same vice before, shall after the second conviction before the saids Kirk Judicatories be censurable in manner following *viz.* That ilk Nobleman shall pay Twenty pounds for the said second conviction, and ilk fault thereafter *toties quoties:* Ilk Baron, Twenty merks: Ilk Gentleman, Heritor, Burgesse, Ten merks: Ilk Yeoman, Fourty shillings: Ilk Servant Twenty shillings: Ilk Minister, the fift part of their years stipend: And that the Wives delinquents against this Act be punished according to the quality of their husbands, and that their husbands be lyable for payment of their wives fines. And it is ordained, That the saids fines be imployed *ad pios usus* in the Parish where the offenders dwells. And it is further ordained, That Ilk Master who shall keep and maintain any of his Servants offending in the premisses in his company, after they shall be sentenced conforme to this present Statute, shall be lyable in payment of the Servants fine. And it is declared, That the executing of this Act shall be beside and without prejudice of the Kirk censure.

ACT IX

ACT IX:

For up lifting of Pecuniall pains to be bestowed upon Pious uses.

7. *August* 1645.

FOrsameikle as many Acts of Parliament tending to the glory of God, punishment of vice, and to the Commonweale of this Kirk and Kingdome, cannot take effect except some good course be prescribed for putting these Acts to execution; Therefore the Estates finding that there can be no better way for executing these Acts, then by giving Commission for the same, Gives full power and Commission to the Magistrates within Burghs, and to such person or persons in Landwart parishes, as shall be nominate by the Heritors within the Parish, or the most part of them (who are hereby appoynted to meet among themselves, upon the desire of the Kirk Session, to nominate one or mo for that effect) To put to execution the Act past in this present Parliament, against Swearing, Drinking, and mocking of Pietie, and all other Acts of Parliament already made, or to be made hereafter, for restraint and punishment of Vice, or for advancement of Pietie and Vertue, under pecuniall pains or corporall Punishment, such as Stocks, Irons, Jogges, Scourging, and such like, and to lift and exact the pecuniall pains, and being received, to cause deliver the same to Kirk Judicatories, to be imployed to pious uses, and to inflict the corporall pains above specified. And to that effect makes them his Magisties Justices in that part within their own bounds, with power to hold and saite Courts, and to create all Members of Court necessary, To summond, warne and sweare, Assize and Witnesses, Unlaws and Amercinments of Court, to raise and uplift, to poind and distrein: And generally all and sundry things to do, that to the execution of the saids Act of Parliament is necessarily required. But prejudice alwayes to the Lords of Secret Councell to grant Commissions upon the representation of Presbyteries, for executing all or any of the saids Acts to any other persons their Lordships shall think more convenient. And sicklike in case Heretors shall not make nomination of persons to exerce the Commission above specified, The saids Lords of Councell shall also in that case grant Commissions to such persons as they shall finde most fit, which Commissions shall be past *gratis*, with all expedition. And the Estates Ordains, that Magistrates, Heritors, and other Commissioners whatsoever, be answerable for their diligence and fidelity in discharging their Commissions to the Lords of Secret Councell.

ACT X.

Prorogating the Act of Maintenance.

7. *August* 1645.

THE Estates of Parliament Renews and prorogates the Act anent the Maintenance of the Army, made by the Estates of Parliament, in the second Session of this Parliament, upon the 26. day of *February* 1645 yeers; Together with the proportionable retention of Annual-rent, which makes nine of ilk hundereth Annualrent to be retained for the year 1645 yeers; In the haill heads, articles, clauses, and conditions thereof, conform to the tenour of the samine in all poynts, and with the power therein contained, during the space of Three moneths farther nor is contained in the same former Act above written, *viz.* From the first day of September next 1645 yeers, to the last day of November *inclusivè*; Which Act of Maintenance and proportionable retention foresaid, hereby renewed and prorogate, The Estates of Parliament Ordains the samine to stand in full force and effect, conform to the tenour thereof in all points during the prorogation abovementioned, with this addition and declaration alwayes, That it shall be leisome to any who findes themselves prejudged and hurt by the former valuation, To lead and deduce a new valuation of their Land Rent, or other Rent, and that for the three moneths Maintenance now further granted, providing they lead and deduce the samin betwixt and the first day of October. As also with power to any who hes advanced and payed the first moneth of the three moneths Maintenance abovewritten, To retain in their own hands their proportionall part of their Land rent, and casuall rent of the Lands and others belonging to them, conform to their valuations, and that for the haill three Moneths above specified. As also to detain sick other part of the six Moneths Maintenance as is not yet payed by them, and that ay and while they be fully refounded and repayed of the said Moneths Maintenance now advanced by them, incase their proportion of the three moneths now enacted, or their rests of the first six moneths yet unpayed by them shall extend to the same: otherwise, incase their proportion of the haill nine moneths Maintenance shall exceed the summe now advanced, they shall be holden to pay the superplus. And ordains these who shall make payment, or give Band, To have relief of the Committee of the Shire and Collector thereof. And declares, That the Commissioners Tickets of Receipt shall be a sufficient discharge to the advancers of the sums of money, and these who shall give Band for that effect: As also shall have ane quarters interest of the Moneyes payed by them as said is.

ACT XI.

Anent the present Recrutes.

7. *August* 1645.

THE Estates of Parliament Ordaines and Enacts, That all the recrutes of Horse and Foot conforme to the Act made at Stirling, be brought to the Armie, in manner, and at the times following, *viz.* These dwelling be north Forth, betwixt and the nineteenth day of this instant Moneth of August; And these dwelling be south Forth, betwixt and the twentie two day of this Moneth of *August*; And these dwelling in the Sheriffdoms of Berwick, Roxburgh, Selkirk, and Niddisdale, betwixt and the twentie fifth day of this instant Moneth: And also Ordains, that two of the Committee of Warre of each Shire, with the Officers to be appoynted for that effect, bring and conduct the Souldiers from the Randezvous of the Shires to the Armie, where the samine shall happen to be for the time; Providing alwayes, that there be in each Company, by the Officers, a hundreth of Souldiers: And sielike, that all runawayes be brought to the Armie. And also Ordaines, That all Acts of Parliament or Committees, be put to execution against runawayes, and this be done Monethly by Order from the Committees of Warre.

ACT XII.

Anent the prorogation of the Committee of Estates, Committee for regulating and inbringing of Moneys, Exchequer, and Excise.

7. *August* 1645.

THE Estates of Parliament presently conveened in the fourth Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament, holden by his Majesty and three Estates, in *Anno* 1641. Considering that there was Commission granted to the Committee of Estates, by the Estates of Parliament, in the second Session of this Parliament, upon the 8. day of March 1645. To the persons, for the cause, and to the effect therein mentioned: As also, that there was Commission granted for inbringing and distributing of Moneys, and for regulating the publick burdens and accompts of the Kingdome, To the persons therein nominate: And likewise, ane other Commission upon the day of last bypast, To the Commissioners of Exchequer therein specified; And that the samine Commissions with the haill remanent Commissions formerly granted, in the second Session of this Parliament, where sensyne renewed & prorogate by the Estates of Parliament in the third Session of this Parliament, at Stirling,

ling, upon the tenth of July last, to the twentie fourth day of the same Moneth. And seeing that the samine Commissions and Prorogation thereof foresaid are new expired: Therefore the saids Estates of new againe, renews and prorogates the foresaid Commissions particularlie and generallie *respective* abovementioned; In the haill Heads, Articles, Clauses and Conditions thereof conforme to the tenors of the samine, and with the power *respective* therein contained in all poynts, Which haill Commissions hereby renewed and prorogate, the saids Estates of Parliament Ordains the samine and every ane of them to stand in full force and effect, conforme to the tenors thereof *respective* in all points, unprejudged by the inserting of this present Session of Parliament, while the

of Except anent the subdivision of that Committee which was appointed to stay within the Kingdome, and which subdivision is now hereby discharged, and ordained that there shall be onely one Commission within this Kingdom, consisting of the two branches of the former subdivision: And like wise addes Sir *Harie Gib* to the said Committee of Estates, and nominates and addes to the said Committee, Master *Alexander Wedderburn* in place of *Alexander Halyburton* for the town of Dundie: As likewise nominates Sir *Michaell* [illegible] in place of Sir *Archibald Campbell*, and *James Pedie* for *Robert* [illegible] for Arontroise, with this provision, that the Committee for borrowing of Money, returne not upon these who lent before: And also the saids Estates prorogates and continues the Act anent the imposition of Excise, Together with the Committee appointed for uplifting thereof, unto the first day of August next 1646. Providing always the foresaid Excise be assigned for payment of the Maintenance of the Shire, after that the Quarterings and Annualrents are first payed.

ACT XIII.

Anent the crying up of the Moneys:

7. *August* 1645.

THE Estates of Parliament now conveened in the fourth Session of the first Triennall Parliament, by vertue of the last Act of the last Parliament holden by his Majesty and three Estates, in *Anno* 1641. For the weale and good of the Country: Ordains the spaces of Money to passe in the Kingdome for the availes afterspecified, *viz.* The Rex Dollor to give fiftie eight shillings, The Crosse Dollor fiftie five shillings, The Ryall of Eight fiftie six shillings, The Rose Noble eleven pounds, The Kairdique twentie shilling; The Double Pistoll nine pound, The Hungers Ducate five pounds: Providing all the spaces abovespecified be of the weight contained in the Act of Counsell: And the saids Estates Ordaines this Act to begin and take effect, and the foresaid spaces of Money to be current at the prices and value abovewritten, after the date and Proclamation thereof.

ACT XIV.

Against the in-goers to the Rebels.

7. Aughst 1645.

THE Estates of Parliament now conveened, in the fourth Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament, holden by his Majesty and three Estates in *Anno* 1641, Considering that it is surmised there are divers persons within this Kingdom who is gone, & are dayly going in for assisting of the present rebellion of some unnatural Countreymen, who will have the right of succession to Titles of dignity, Lands, Bands, Annual-rents, and other benefits within this Kingdom, to the great prejudice thereof, and incouragement of others to do the like in time coming, Do therefore find and Declare, all such persons who hes already gone in, and do not returne and give in their names to the Parliament, or Committee of Parliament, betwixt and the fifteenth day of September next to come: As also all others who shall hereafter go in, and the heires procreate of their bodies, incapable of any succession whatsomever within this Kingdome, either of titles of dignity, Rents of Lands, Bands, Annual-rents, or any benefits within the famine: And sicklike findes and declares, that this shall be sufficient for debarring of them fra the succession foresaid, Which the saids Estates ordains to be received aswell by way of exception, as reply. And whosoever shall come in betwixt and the day foresaid, The saids Estates declares them free of all censure of Parliament, or other Judicatory whatsomever; They giving satisfaction to the orders appoynted, or to be appoynted by the Kirk Judicatories. Providing alwayes, likeas it is hereby provided, That the Act foresaid be no wayes extended to any person whatsomever that shall be brought by any that shall have warrand from Parliament, or Committee of Parliament, after the day foresaid: As also excluding from the benefit of the said Act, or any part thereof, the particular persons following, *viz*. *James Grahame* sometime Earle of Montrose, *James Ogilvie* sometime Earle of Airlie, *James Gordoun* sometime Lord Aboyne, *Alaster Mac-Donald*, *Grahame* younger of Inchbrekie, *Grahame* of Gorthie, Sir *William Rollock*, *Nathaneel Gordoun*: With power to the Committee of Estates to give the benefiet of this Act to sick other persons as are forefaulted, notwithstanding of their forfaulture. And Declares, that the publication hereof at the Market Crosse of Pearth shall be als sufficient as if the famine had been published at the Markes Crosse of *Edinburgh*, and remanent Burghs within this Kingdome.

ACT XV.

SALVO JURE CUJUSLIBET.

7. August 1645.

THE Estates of Parliament now conveened, in the fourth Session of this first Triennall Parliament, by vertue of the last Act of the last Parliament holden by His Majestie and three Estates, in *Anno* [illegible] Considering That in this present Session of Parliament, there are many particular Acts, and Acts of Ratification, made in favours of Particular Persons, Which may be prejudiciall to the parties having interest and not heard, As the meaning of the Estates be at this time, as it was ever in all preceeding Parliaments, that by no particular Act, or Act of Ratification granted to any particular Person, any other parties should be hurt or prejudged of their lawfull Rights and Defences, competent to them of the Law. For remeed whereof, It is statute and Ordained, That no Ratification or other particular Act whatsoever made in favours of any particular Person in this present Session of Parliament, be prejudiciall to any other parties Rights or Defences, competent to them of the Law. But that the saids Particular Acts, and Ratification made in favours of particular parties, be alwayes understood, *Salvo jure cujuslibet.*

ACT XVI.

Of continuation of the Parliament to the last Wednesday of November.

7. August 1645.

THE Estates of Parliament now conveened in the fourth Session of this first Triennall Parliament, by vertue of the Act of the last Parliament, holden by his Majesty and three Estates, in *Anno* 1641. Continues this present Parliament, and all Summonds, Processe, and Actions belonging thereto, which are not remitted to the Committee of Estates of Parliament, while the last Wednesday of *November* next to come: At the which day, or sooner, as the Committee of Estates or Quorum thereof shall appoynt, Ordains the whole Estates to be present, and to attend at *Edinburgh*, or where it shall happen the Committee to appoynt the same to be holden for the time: With power likewise to the Committee of Estates to Conveene the Parliament sooner if they think fitting, and to appoint another place at that time, in case they find the same expedient. And in the mean time, The Estates declares this present Parliament currant to the day foresaid: And Ordains the whole Acts and Statutes made and concluded in this Session of Parliament, To stand, and have the full force & strength of Acts of Parliament, conforme to the tenour thereof, Sicklike as any Acts and Statutes of any preceding Parliaments in any time bygone. And Ordains Publike Proclamation to be made hereof at the Market Crosse of *Perth* by sound of Trumpet.

ACTS

DONE IN THE FIFTH Session of the above-written Parliament,

Holden at *St. Andrews*; Beginning the 26. of November 1645. And ending the 4. of February 1646.

ACT I.

Anent the Training and Arming of the Fourth Man.

December 18. 1645.



THE Estates of Parliament now conveened, in the fifth Session of this first Triennall Parliament, Taking in consideration the good and Service of the Kingdome and Shires thereof, They Ordain the Committees of War of every severall Shire of the Kingdom, To make new Rolls of the whole sensible persons within ilk ane of their severall Shires; and to cause the Fourth man of the whole number of their sensible persons, be Trained, Armed, and formed in Companies, and made ready upon all occasions for the Publike Service, and good of the Shires and Kingdome, according to the Rules and Acts formerly set down. And the Estates declares, that these persons who shall be enrolled as the Fourth man in the severall Shires, by vertue of this Act, to the effect foresaid, shall no wayes be imployed for Recruting of former Regiments: And Ordains the Shires to have the nomination and election of the Officers of their severall Companies & Regiments that be made up of the Fourth man in their said Shires, Which nomination and election The Estates Ordains the Committees of warre of the severall Shires to represent to the Committee of the Estates of Parliament, To whom the Parliament hereby gives power to allow or disallow of the same nomination and election, as the Committee shall think fit, and to place others for sick as they shall not allow for the good of the Publike service. And the Estates declares That this present Act is alwayes but prejudice and derogation to any former Acts made for putting of the Kingdome in a Posture of defence and ordaining all betwixt Sixtie and Sixteen to be Trained and Armed.

ACT II.

Act in favours of the Officers of the Regiments, against the resetters of Runawayes.

18. *December* 1645.

THE Estates of Parliament now conveened in the fifth Session of this Triennall Parliament, Having taken in consideration the prejudice that the service of the publike sustaines, by not punishing of the resetters of runawayes, and not putting of the Acts made against them to due execution; They for remedy hereof, Gives hereby power and warrand to the Officers of the severall Regiments, to try out and persue the resetters of the runawayes of their Regiments *respective*, before the Committees of Warre of the Shires and divisions where the resetters remaines, for payment to the Officers of the sume of ane hundereth pounds Scots for that resetting of ilk runaway, to be payed to them by the resetters according to the Act made against the resetters of runawayes: And for the effect that none pretend ignorance hereof, The Estates ordains this Act to be sent to the Committees of Warre of the severall Shires, And ordains them to cause publish the samine at their severall Paroch Kirks, and the same Act to have effect and execution within fourteene dayes after the publication thereof: And farther, that the publike service be not prejudged nor slighted through the Officers their componing with parties, or not bringing out of the runawayes from whose resetters they are to get the foresaid sum of ane hundereth pounds of penaltie, The Estates declares, that the Officers of the Regimeets shall be lyable for these runawayes, to be put out in the service for whom they shall get payment from the resetters of the foresaid sum of ane hundereth pounds, so that the payment of the penaltie of ane hundereth punds, shal not supply the out-putting of the runawayes or men for them: And in case the Officers shall compone with the resetters in that case, The Estates ordains the Officers to be lyable for the men in that same condition, as if they were to be put forth in a new Leavie, and conforme to the Acts made thereanent, against the taking of Money in the out putting of Leavies in place of men.

ACT III.

Act anent the Forces to be imployed in Garisons and in the fields for the publike service, and anent the inbringing of Moneys.

18. *December* 1645.

THE Estates of Parliament now conveened in this fifth Session of this first Triennall Parliament; Having heard & considered the report of the Committee of Dispatches anent the service of the Countrey, and keeping of Garisons, and procecution of the War in the fields; They ordain and appoynt sufficient Garisons to be placed in the Towns following, *viz.* In *Innernesse* a thousand Foot, two Troops of Horse: In Aberdeen a thousand Foot, two Troops of Horse: In Monrose two hundereth Foot: In Dundee foure hundreth Foot: In Pearth foure hundreth Foot: In Stirling and the Castle thereof, three hundereth Foot, one Troop of Horse: In Glasgow eight hundereth Foot, one Troop, of Horse: And in Dumbartan two hundereth Foot, extending in all to four thousand three hundereth Foot, and six Troops of Horse. *Item*, the Estates findes it necessary for prosecution of the Warre in the fields, That there be six thousand Foot over and above these appointed for the severall Garisons abovementioned; And ordains the haill, both within and without the Garisons, to be divided in twelve Regiments: As also, the Estates ordains sixteene hundreth Horse to be employed in the forelaid service, and divided in three Regiments, and eight single Troops, with a Major to be likewise employed in the publike service as other Regiments. *Item*, eight hundreth Dragouns to be likewise employed for the service forelaid in eight Companies. And in regard, that a small proportion of the monethly Maintenance is to be expected in Money, and so in all probabilitie will be exhausted by Quarterings and Provision in meat, The Estates findes it necessar, for the intertainment of the Officers, buying of Armes and Ammunition, and for incident Charges, That a present and speedy course bee taken for bringing in of Moneyes upon forefaltors fines, or penalties, by the Parliament it self, or by Committees to be sent through severall places of the Kingdome for that purpose.

ACT IV.

Act for Publishing and Printing of the Declaration of the Commissioners of the Generall Assembly.

26 December, 1645.

THE Estates of Parliament now conveened in the fifth Session of this Triennall Parliament, Having heard and considered the Declaration presented unto them by the Commissioners of the Generall Assembly, read in their audience; They received the same chearfully as ane seasonable Declaration, And appoints the same to be published and printed: And Ordaines the Earle of *Cassils* Vice-President of Parliament, To give thanks from the Parliament to the Commissioners of the Generall Assembly, for their care, pains and vigilency expressed in the said Declaration.

ACT V.

Act anent the Classes of Delinquents.

8 January 1646.

THE Estates of Parliament now conveened, in the fifth Session of this first Triennall Parliament, Have ordained, and ordains, That those who have only been present at the battell of *Philiphaugh* with the rebells, or who have received and exercd Commissions, or received and execute orders for promoving the service of the Rebells, nor perswaded and compelled others to rise with them, or hes assessed Shires, Persons, or Burghs, or hes raised, or forced men in the Shires to rise, and hes caried them alongs to the said Battel, whose persons the Parliament or their Committees hes not nor shall not think fit to processe to death, Be fined by payment of so many years rent, as shall not be within four, nor without six years of their Rent, Leaving the latitude thereof to the Parliament or their Committee, to be dispensed with as they shal think fit, after consideration of the former cariage of the partie, With power to the Parliament or Committee of Estates, after finding by exact tryall made by the said Parliament or Committee, that the partie delinquent is burdened with extraordinarie debt, That is to say, when the third part of his rent is exhausted by payment of annualrents, upon the delinquents supplication, payment being first made of the three parts of the fine, To mitigate the fourth part of the fine, or so much thereof as the Committee shall think fit; And so forth proportionallie for the other two subsequent classes underwritten. It is alwayes

hereby

hereby declared, That there shall be no mitigation of the foresaid fourth part, except the three parts be fullie satisfied at the termes of payment to be appoynted for that effect: And it is declared, That these who have been sentenced or fined, or confined by the Parliament or their Committees, for their acting, plotting, consulting, or corresponding with the enemy, since the act of Oblivion in *Anno* 1641, against the publike in this cause, and hes now been relaps therein, or hes joyned with the Rebels in former Battels or parties, are not included under the compasse of this Act, but shall be remitted to the Parliaments determination or their Committees: And that by and attour any personall punishment to be enjoyned by Parliament or Committees of Parliament, by confining, banishment, or imprisonment.

That these who have put out Horse or Foot, or hes furnished Armes or Ammunition for the assistance of the Rebels, by themselves, or any others by their command or allowance, or hes joyned in any partie with the Rebels, or hes marched and stayed by the space of twentie four houres with the Rebells forces, or hes drawn themselves together in any considerable number to joyne with the Rebels, or hes keeped Randezvouses, or Committees, or publike Meetings, with or for the advancement of the Rebells service, or hes received Commissions or Orders for promoving the service of the Rebells, or hes concealed the same, or hes gone about to execute, though they did not execute the same; Be fined by payment of so many yeers rent, as shall not exceed four, nor be within two yeers rent.

That these who (not being compelled by force) of themselves went or sent into the Rebels Leaguer, and intercommuned with *James Grahame*, *Alastar Markdonald*, or any of their prime and chief Commanders, without knowledge or allowance of some of the Generall Officers of our Army, or members of the Committee of Estates for intelligence, or hes interchanged Letters with them, or hes assisted and supplyed the Rebells with Money, or given Band therefore, or hes without compulsion entertained them in their house, or hes received and keeped or procured or dispersed protections, or safeguards from the Rebells; Be fined by payment of so much of their Rent as shall not exceed two yeers, nor be within half ane yeers Rent, With Latitude to the Judges, upon consideration of the circumstances of the fact, and of the former carriage and affection of the parties, To dispense with the fines, or any part thereof, of these who are onely subject to Censure, for receving or purchasing to themselves Protections, or for simple going in to the Leaguer, or speaking with them without any promise of performance of assistance, or for giving Money or Band, or resetting any of the Rebells being compelled, It being alwayes understood, That what hes been exacted of before from them for these Delinquencies since the fifteenth day of August last by any Publike order, shall be allowed *pro tanto*.

That these whose estates or any part thereof consists of goods and moveables, or in Money, upon whatsomever securitie, heritable, or

moveable

moveable, in their owne names or any others to their behoof, or that did belong to them the time of the Committing of the crimes contained in the first classe, Be fined in so much of their estate as shall not exceed a third part thereof, nor under two parts of that third part, which is betwixt thirtie three Merks, and twenty two Marks for ilk hundreth Merks of stock.

That these guilty of any of the crimes contained in the second classe be fined by payment of so much of their mony or moveables in manner forelaid, as shall not exceed the two part of the third, nor under the third of that third part: And these guiltie of any of the Crimes contained in the third classe, Be fined by payment of so much of their Money or Moveables in manner foresaid, as shall not exceed the third part of the third, nor be within the quarter of the said third part, Which is betwixt twentie two Merks, and eleven Merks of ilk hundreth Merks of stock for the second Classe; and betwixt eleven Merks, and thirtie six shillings eight pence for ilk hundreth Merks of stock.

For the better and more speedy tryall of the Rents and Estates of Delinquents; That each Delinquent give up ane just and true inventar of his yearly Rent, and of the Moneys and Moveables belonging to him, with certification that the up-giver shall lose the triple of that which shall be concealed; The third part whereof shall belong to the delater, and the other two parts to the publike; With power to the judge to take tryal of the laids Estates Heretable or Moveable by oath, or valuation of Taxt and Loane, or witnesse, with deduction of the few dutie and others burdens as the judge shall finde doeth really affect and burden the Land: And where lands are affected with wodsets, compriſings, assignments, or back-takes, That the same may be first compted in the burdens of the Delinquent estate, and that the same and all other burdens be only for making up so much as will affect the third part of his yearly duty allanerlie; But prejudice to the proper wodsetters and others having reall rights: And where their debt exceeds the fifth part of the stock of their Mony and Moveables, they shall have the same deduction of the fourth part, as in the first classe for the Land rent.

That the tearm of payment of the fine doe not exceed twentie dayes after the pronouncing of the sentence, with power to the judge (the third part being so payed) to supersede the payment of the other two partes, to be payed at two tearms within six Moneths immediatly thereafter.

And if the partie Deliuquent be a Liferenter or a Fiar, or hes no estate contracted to him, That his fine exceed not the halfe, nor be within the third of the fine due to be payed by the Heritors that are in posſesion, according to their Crimes *respective* foresaids; But prejudice alwayes to them to pay for these Lands whereof they are in posſesion as any other Heritor; With power to the judge (the third part being payed by the Fiar or Liferenter within twentie dayes after the sentence) to supersede the payment of the other two parts to be

payed

payed within ane yeare immediatly therafter, with deduction for debts according to the proportion abovewritten: With certification to such as shall be fined, and makes not payment of their fines at the tearms of payment appointed by the Judge, They shall be lyable in payment of the double of ilk tearmes payment, within twentie dayes thereafter.

That the persons guiltie of any crimes contained in the first classe, Be simply discharged from all places of publike trust, and from having place or voice in Parliament, Committees, Counsell, Session, Office of Estate, Armies within or without the Kingdome, and from having voice in the elections of Commissioners for Shires or Burghs, and from being Collectors, Sheriffes, Bailies of Regalities, Stewarts of Stewartries, Magistrates within Burghs, or any other publike Judge, Minister or Officer, either in Burgh or Landward, Commissioners, or any Clerks whatsoever, And that during the continuance of their troubles, and till the peace of the Kingdome be setled: But prejudice to these who are not included in this Act of their right of presentation to fill the saids Places to Burgh or Landwart: And declares, That incase any heritable Officer shall lose his office as falling within the compasse of the delinquencie against the first Classe; Then the Parliament, their Committee, or Counsell, shall fill the saids places.

That these guiltie of the crimes contained in the second classe, Be suspended from all places of publike trust, and from having place or voice in Parliament, Committees, Counsell, Session, Offices of estate, Armies within or without the Kingdome, and from being Collectors of Shires, Sheriffs, Bailies of Regalities, Stewarts of Stewartries, Magistrates within Burghs, or any other publike Judge, Minister, or Officer, Commissioners and Clerks whatsoever while the next Session of Parliament and further till they be restored.

That the persons guiltie of any of the crimes contained in the third classe, Be remitted to the Judges, to be either suspended or not, as they think fit.

With power to the judge to censure or fine any persons of whatsoever qualitie, whom they shall finde after tryall to be guiltie of any such other Correspondence, Intelligence, Assistance, Advices, or other Cariage with or for the Rebells, as did or might advance or further the rebels service, & are not inumerate in the Articles of the three severall classes abovementioned, and to proportion the censure or fine, according as they shall finde the faults or crimes to correspond to the guiltinesse expresst in the rules of the three classes *respective*.

And Remites to the Commission for the procsse to decerne against any of the delinquents, censurable for any of the Crimes contained in the classes abovewritten, according to the rules thereby prescribed, during this Session of Parliament.

And the saids Estates of Parliament declares, That notwithstanding for good cause and reasons, They have abstained from execution of the rigor of the Law, against such Persons as are guiltie of the Crimes contained in the classes abovewritten, Yet, that none

may wrest the intention of the Estates of Parliament, To the encouraging of any future rebellion, or defection from this Cause and Covenant, by the mitigation of the punishment of the faults above-specified. They declare the former Acts of Parliament to stand still in full vigor and force, against all correspondencie and complyance with the enemies of God and this Kingdome, as is mentioned therein: And appoints the Letters of intercommuning to be againe renewed and published, That none pretend ignorance thereof, and the transgressours of the same to be punished with all rigor, without mitigation or favour: And ordains publication to be made hereof, and of the Letters of intercommuning, by open Proclamation at the Market Crosses of Edinburgh, Perth, Dundee, Aberdene, Stirling, S. Andrews, and Glasgow, Which the Estates declares to be sufficient for the full cortioration of the haill Leiges.

ACT VI.

Anent the fining of appeirand heires.

15. *January* 1646.

THE Estates of Parliament now conveened, in the fifth Session of this first Triennall Parliament, Having taken to their consideration this *Quære* underwritten anent appeirand heirs, *viz. What course shall be taken for fining of appeirand heirs, who are not seised nor have their infeftments provided or contracted to them, but may succeed thereto?* They finds and declares, the fine of the appeirand heirs Not to exceed one yeares and ane halfe yeares rent of that whereunto they are apparant to succeed, and not to be within ane yeares rent thereof, with deduction of the whole debts wherewith the Lands or estate whereunto they are to succeed is burdened: And grants power to the Judge to take tryall and determine the quantitie they are apparently to succeed to, And this to be extended only to appeirand heirs *in recta linea*, and the terms of payment to be according to the former rule in the act of Classes.

ACT VII.

Act in favours of the Coale and Salt Masters.

22. *January* 1646.

FOrsameikle as the Estates of Parliament now conveened in the fifth Session of this first Triennall Parliament, Taking to their consideration the desire of the Petitions given in to them, by *John* Earle of Weymes, *Alexander* Lord Elphingstone, *George* Lord Forrester, and Sir *Alexander Shaw* of Sauchie, for themselves, and in name of the remanent Masters of Coale and Salt within this Kingdome, Complaining that

that the commoditie of their Coale and Salt Rent could not be stented for the last five monethes of the nine monethsMaintenance, according to the first valuation when their trade of Coale and Salt was great (Newcastle being then closed up) in respect of the great disproportion of the benefit of the Coale and Salt since that time, the trade of Coale and Salt of Newcastle being patent; And herewith also, The Estates of Parliament, considering that the Committee of Estates by their Act the second of May 1645. Did, in respect of the knowne diminution of the trade of Coale and Salt within the Sheriffdome of Fyfe, recommend to the Committee for valuations of that Sheriffdom, the tryall concerning the rectifying of their valuations upon the benefit of the trade of Coale & Salt, according to the present proportion of the trade and benefit thereof: But prejudice of the present payment of the first foure Months pay. The saids Estates recommends to the Committee for valuations of the said Sheriffdom of Fyfe, and to the Committees for valuations in the remanent Shires of the Kingdome where the trade and benefit of Coale and Salt is valued, The desire of the said supplicants, and tryall concerning the rectifying of the saids valuations upon the benefit of the trade of Coale and Salt, according to the present proportion of the trade and benefit thereof; And ordains the supplicants and remanent Masters of the Cole and Salt within the Kingdome to pay the monethly Maintenance for the last five moneths of the whole nine months, according to the valuations of the trade, commoditie, and benefit of their said Coale and Salt so to be rectified, ilk ane of them severally, conform to their own proportionall parts in their severall Shires, according to the valuations to be sent down hereanent.

ACT VIII.

Discharging Officers and Souldiers to exact Moneys, they getting free Quarters.

22. January 1646.

THe Estates of Parliament now conveened, in this fifth Session of the first Triennal Parliament, after consideration, of the desire of the Committee of Warre of the Sheriffdom of Fyfe, concerning the Quartering in that Shire of the Earle of Dalhousie and Generall of Artillery their Regiments, Discharges the Commanders, Officers, Troupers, and Soulders of these two Regiments, and all others, of all taking or exacting of any Moneys from any of the said Shire, or from any others whatsoever, They geting sufficient free Quarters for their intertainment, where they are or shall be Quartered, whereanent thir presents shall be ane sufficient warrand.

ACT IX.

Act anent the Monethly Maintenance for the space of eight Moneths.

27. January 1646.

THe Estates of Parliament now conveened, in the fifth Session of this first Triennall Parliament, Taking to their serious consideration the long continuance of the present Rebellion, and great expences that they must be at for suppressing thereof, and carrying on of the Warre, and how necessar it is and incumbent to them, that some solide and settled way be provided for the constant Maintenance of the Forces, Horse and Foot, already Leavied and to be Leavied or brought in within this Kingdome, towards the prosecution of the Warre against these horrid Rebels, untill the same, by the blessing of the God of Hosts, bee brought to ane happy end, Have therefore thought fit, Statute and Ordained, Likeas for that effect they Enact and Ordaine, That ilk Shire and Burgh within this Kingdome shall bee still lyable in payment of the particular sums of Money Monethly, for entertainment of the severall proportions of Forces, Horse and Foot, contained in the Roll following: And that for the space of Eight Moneths next and immediatly following the first of December last by-past 1645 yeers, and to continue till the last of July next to come inclusive. And that the payment be made by the saids severall Shires and Burghs from two Moneths to two Moneths, Beginning the first two Moneths payment betwixt and the second day of Febuary next, for the Moneths of December and January instant: The second two Moneths payment to be betwixt and the first day of March, for the Moneths of Febuary and March: And the third two Moneths payment to be betwixt and the first of May, for the Moneths of April and May: And the last two Moneths payment to be betwixt and the first day of July next to come, for the Moneths of June and July.

Follows the sums of Money Monthly payable by the Shires, *viz.* Orknay of Monethly pay 1143 l. Innernesse 4176 l. Caithnesse [illegible] l. Cromertie 99 l. Sutherland 423 l. Nairne 315 l. Elgine 1890 l. Aberdene 6543 l. Bamffe 1431 l. Kincardine 1566 l. Forfar 5004 l. Perth 8001 l. Fyfe 6642 l. Stirling 2538 l. Kinrosse 144 l. Clackmannan 522 l. Edinburgh 4167 l. Linlithgow 1746 l. Hadington 3384 l. Berwick 3555 l. Roxburgh 5778 l. Selkirk 1278 l. Peebles 1638 l. Lanerk 5382 l. Air 6066 l. Wigtoun and Stewartrie of Kircudbright 4374 l. Drumfries 4446 l. Renfrew 2205 l. Dumbertan 1233 l. Argyle 2907 l. Bute 459 l.

Follows the sums payable Monethly by the Burrows, *viz.* Edinburgh 5166 l. Perth 990 l. Dundee 1674 l. Aberdene 1440 l. Stirling 324 l. Linlithgow 270 l. S. Andrews 540 l. Glasgow 990 l. Air 369 l. Hadingtoun 324 l. Dysert 270 l. Kirkaldie 414 l. Monrose

role 477 l. Cowper 216 l. Anstruther easter 279 l; Dumfreis 296 l. Innerneſſe 360 l. Brechen 180 l. grving 207 l. Elgine 180 l. Jedburgh 162 l, Wigtoun 135 l. Pittinweeme 135 l. Dumſerling 108 l. Dumbertan 108 l. Renfrew 90 l. Lanerk 144 l. Kirkcudbright 180 l. Aberbrothok 90 l. Bruntiland 144 l. Peebles 90 l. Carrail 216 l. Kinghorn 126 l. Tayne 108 l. Selkirk 90 l. Anstruther weſter 54 l. Culros 108 l. Dumbar 108 l. Bamff 72 l. Whithorn 45 l. Forſar 54 l. Forres 54 l. Rotheſay 45 l. Rutherglen 45 l. Northberwick 36 l. Culane 36 l. Nairne 36 l. Lawder 45 l. Innerkeithing 90 l. Kilrynnie 27 l. Annan 27 l. Lochmaben 27 l. Sanchuer 27 l. Galloway 9 l. Queensferry 63 l.

And for the better Inbringing and Collecting of the foreſaids ſums of Money, for payment and entertainment of the ſaids Forces, aſwell Officers as Soulders, The Eſtates nominates and appoints Sir *Adam Hepburn* of Humbie Theſauer of the Armies Generall Collector; with power to him to ſubſtitute Deputies in ilk Shire, and that other Collectors in Burghs and Paroches bee appointed in ſicklike manner as is contained in the Act of Loan and Taxt; Which Collector Deputes, as well of Shires as Paroches, and Clerks of Shires, ſhall have ſuch Fees as is allowed in the Act of Convention anent the Fees for Ingathering of the ſaid Loan and Taxt. And that to be up-lifted out of the ſaids Shires and Paroches within the ſame, by and attour the Monethly Maintenance. And the Burghs to be free, in reſpect they Collect their proportions upon their own charges. And with power to the ſaid Generall Collector to appoint a Clerk of Collection, which Clerk of Collection to be appointed as ſaid is, Shall have the ſum of two hundred pounds Sterline to bee payed out of the ſaid Monethly Maintenance, for his pains and charges in the ſaid Collection of the foreſaid Eight Moneths Maintenance. And it is declared and ordained, That the Letters and charges to follow upon this preſent Act, ſhall be raiſed and direct at the inſtance of the ſaid Generall Collector, againſt the ſaid ſubcollectors of the Shires, Magiſtrates of Burrows, Collectors of Parochines, Heretors, Fewars, and others addebted in payment of their ſeverall propertions of the foreſaid Maintenance, in the ſame manner, with the ſame proviſions and certifications contained in the Act of Convention of Eſtates made for the Loan and Taxt, and they to have Letters of relief, as in the ſaid Act of Convention.

Item, If any Shire, Burgh, or perſon therein deſigned, be deficient in paying of their Monethly proportion, after ordinary diligence ſhall be uſed againſt them. The Eſtates of Parliament appoints all Officers of Warre to be aſſiſtant to the Generall Collector and his Deputies, by giving Troopers or Footmen to Quarter upon free Quarters, ay and while payment be made: And if need be, The Eſtates of Parliament authorize the Generall Collector or his Depuites, by the advice and concurrance of the Committee of Warre of the Shire, to raiſe Six or Eight Horſmen for ingathering of the ſaid Maintenance, to be entertained as ordinary Troopers, at Eighteene ſhillings Scts

per

per diem, upon such Deficients of ilk Shire and Burgh, as the Committee of Warre of the Shire shall appoint and direct: And in case of the refuse or neglect of the Committee of the Shire, With power to the said Collector or his Deputies, after the instruction of the Deficiencie, and horning against the Deficients, to direct the saids Troopers for up-lifting of the saids Maintenance from the Deficients.

It is hereby declared, That such Lands and Burghs as shall bee found by the Committees *respective*, who shall be appointed for that effect, or by Commissioners from any of them, to bee still possessed by the Enemie, or to have been burnt or wasted by the Enemie, our own Forces, or the Plague, so that the Heritors thereof are disabled therethrough to make payment of their severall proportions imposed upon the saids Lands, shall bee free of the said Monethly Maintenance *pro tanto*: Which Deficiencie is to bee supplied by the Committee of Estates, out of the Fines, Forfaltors, or any other Moneys due to the Publike, which is not or shall not be disposed in this Session of of Parliament.

And it is further ordained, That wherein the said Monethly Maintenance imposed upon the severall Shires and Burghs of this Kingdome, shall fall short, or be Deficient in payment and satisfaction of the Forces, Horse and Foot that shall be on foot for prosecution of the foresaid Warre, the same be supplied out of the Fines, Forfaltors, Moneys for forfaulted Lands and Rents, past and done, or to be done by this present Parliament or their Committees.

Item, It is ordained, That no suspension be granted to any persons whatsoever, without consignation of the sums charged for in the hands of the Collector of the Shire, and of the Burgh for the Burghs, unlesse the reasons thereof can be instantly verified by Discharge, or instructed by Count or Quarterings, conform to the Act of Quartering. And these Quarterings to bee within the eight Monethes now condiscended to, or verified by Sentences of the Committee, declaring such and such Burghs or Lands to bee burnt or wasted by the Enemie, our own Forces, or the Plague, or that the saids reasons be made notor at the passing of the Bills *in presentia*, or by any three of the Committee of Estates or Committee for Moneys and Accompts, to the which Suspensions the said Committee of Estates shall be onely Judges, and these Suspensions to be past by the Clerk of Register and his Deputies.

Item, It is enacted and ordained, That there be Retention of Eight of each hundred of Annual Rents, being one for ilk hundered monethly, to be allowed by the Creditor at the Terms following, *viz.* Of Six for ilk hundered, as said is, if the Annuall Rents bee payable at Whitsunday next, and of the other two at Mertimes thereafter, and of the whole Eight for ilk hundred at the Terme of Lambes next to come, if the saids Annuall Rents of the principall sum bee then payable. And it is declared, That the Creditor shall have power to charge his Debtor at any Terme or time conforme to his surety.

And

Likewise, It is Declared, Statute and Ordained, That no Remission of this present Maintenance shall be granted for any debts, Cause, or Occasion whatsoever, and that no exemption other nor is above written shall be granted therefrom to any person or persons, except onely for Lands Rents, Annual-rents, and other duties mortified to Colledges, Schools, Hospitals, Ministers and Schoolmasters stipends, and for upholding Kirks or Bridges: But that all Heritors, Liferenters, Takmen, Titulars, Proper Wodsetters, Pensioners, Conjunctfears, and Ladie-tercers, and others subject to the valuation within Shires or Burghs, shall be lyable to their proportionable part of this Maintenance. And that the Lands and Teinds shall pay as they lie locally in Shires, conforme to the Acts of Convention for the Loan and Taxt, or last Act of Maintenance.

And lastly, where there is any wrong done in valuation, The said Estates appoints the valuers of each Shire, or Quorum thereof, or of so many as are on life and not censurable conforme to the Act of Parliament dated the 8. of January instant, To meet and rectifie the same, at any time and place as they shall appoint; Declaring always, That this Warrand for a new Valuation shall be no hinderance or diminution to the payment of the Maintenance. And where there is not a full Quorum of the Valuers on life, and not in Rebellion, That the number be supplied by the Parliament, or Committee of Estates: And for the Burrows part, it shall be rectified and altered according as their Taxt Roll shall be altered, there being no diminution of the haill sum. But prejudice of the Lords of Session their privileges conform to the former Acts of Maintenance.

ACT X.

Anent the Quarterings, and payment thereof.

27. *January* 1646.

THE Estates of Parliament now convened in the fifth Session of this first Triennall Parliament, Taking to their consideration the great burden under which the Country groneth, through the exorbitant Quarterings of the Forces Horse and Foot, that have been this long time bygone, and still is. And how unsupportable it were that the Lieges should both be lyable to the said Quarterings, and also in payment of the Monethly Maintenance imposed upon the Kingdom: Have therefore thought fit to Statute and Ordain, Likeas by this presents they Statute and Ordain, That all the Quarterings within this Kingdom yet unpaid preceding the first of March last in *Anno* 1645. Be duely satisfied and paid out of the first and readiest of the Excile, and that upon Compt, Conforme to the Act of Parliament made thereanent, and out of the rest of the Taxt and Loan, if any be as yet undisponed upon: And doeth Declare and Ordain,

dain, That the Quarterings reſtand awand ſince the firſt of M[illegible] laſt and preceding the firſt of December, the ſamen being proven, Conforme to the probation contained in the Act of the date the twenty two day of February 1645 yeers, as well to Heritor as Tenant ſhall be allowed to the Heretor, he producand the Tenants warrand for that effect, out of that which reſt unpaid of the firſt ſeven Moneths Maintenance, and what is reſtand unaſſigned of the other two of the nine Moneths, and where it is totally exhauſted to be out of the Excise which is not already diſpoſed upon: And Ordains the ſuper expences of the Generall Commiſſar in his accompts fitted in the Moneth of January inſtant, And the Meale furniſhed by certain Noblemen and others ſince the ſaid firſt of March and before the firſt of December, for Maintaining of the Army and Gariſons in *Scotland*, To be paid out of the Maintenance of the Shires that are not exhauſted with Quarterings: And Ordains five hundred Bolls Meale to be ſent to *Argyle*, to be out of the firſt end of the by-run Maintenance of *Galloway* and *Kircudbright*. And Ordains the remanent of the ſaid ſeven Moneths Maintenance (the allowance of the Quarterings and payment of the particulars foreſaids being firſt made) to be imployed for the relief of ſuch Shires and Burghs as ſhall be further over burdened with Quarterings nor their Maintenance will pay. And becauſe there be many who through want of Billits atteſted under the Officers hands, may ſuſtain great prejudice and loſſe, unleſſe remeid be provided: It is therefore Enacted and Ordained, That the Officers of ſuch Regiments and Troops as are within the Kingdome ſhall compeir upon the firſt Tueſday of February next, either by themſelves or any for them in their name: And the Officers or any for them, for the Regiments and Troops in *England*, and which were in *Scotland* upon the laſt Tueſday of March next to come thereafter, at the head Burgh of each Shire, or the ordinary places of meeting of the Committee of War within the ſamen, Or ſuch place as the Committee of the Shire ſhall appoint, To hear & ſee the accounts of the Quarterings taken up by them, as well for the Officer as Souldier, made and fitted, and probation led therein before the Committee of War of ilk Shire, or any two of them, with certification, if they, or ſome in their names compeir not at the dayes and places *reſpective* above written, probation ſhal be led against them and ilk ane of them: which probation ſhall be led before the Committees of War in ilk Shire, or any two of them, who are hereby fully authoriſed for that effect, To deduce the ſaid probation either by Writ or Witneſſes in *Communi forma*, which probation being cloſed and made, ſhall be ane charge upon ilk ane of the ſaids Regiments, Troops, and Companies *protanto*, and a ſufficient Warrand to the party to receive payment or allowance, Conform to the eſtabliſhment after the compt fitted, and no other wayes.

And for the more orderly Quartering and relief of thoſe who may be overburdened thereby, It is Statute and Ordained, That where any Quarterings are within any Shire or Burgh, or have been ſince the firſt of March laſt to the firſt of December, upon particular perſons

or

or Parochs; That the remanent Heretors and others of that Shire or Burgh shall contribute for relief of those Parochs or Persons upon whom the Quarterings are, to far as the nine Moneths Maintenance will extend, *viz.* Fra the first of March to the last of November. And sicklike those who shall be overburdened fra the first of December to the first of August following, to have the like relief. And where the Maintenance of the Shire will not relieve the Quarterings thereof, that relief bee made out of the Maintenance of the remanent Shires.

And for Quarterings in time coming, It is further Statute and Ordained, That what ever Officers of the Army within this Kingdom shall not give Billets or Notes for their Quarterings, That is being proven that they Quartered in such and such places, and did not leave Notes or Billets for the famine, Conform to the just numbers Quartered, both Officers and Souldiers, That then, and in that case, no pay shall be given to the saids Officers and Souldiers so failzing, untill the Notes and Billets bee given to the persons, Parochs, and Shires upon whom they were Quartered, as said is.

And it is likewise Enacted and Ordained, That the first Tuesday of every Moneth shall bee appointed in the ordinary places of meeting for making of the Quartering Compts within ilk shire, and leading the probation as said is; And it is ordained that the Collector of ilk shire be warned to be present, either by himself or some in his name, in the saids times and places *respective*.

ACT XI.

Act anent personall and reall execution against Delinquents.

Vlt. January 1646.

THE Estates of Parliament now conveened, in the fifth Session of this first Triennall Parliament, Taking to their consideration, That for the better execution of the sentence or sentences to bee pronounced by the Commissioners for the processes, during this Session of Parliament and thereafter, by such Commissioners as the Parliament shall appoint for that effect against any Delinquents, conforme to the rules hereby prescribed: And for the more speedie and ready inbringing of their fines, It is Statute, and Ordained that the persons fined, incase they give not sufficient securitie for the sums imposed upon them, shall be presently put in ward, in any ward or prison within this Kingdome, as the Commissioners appointed or to be appointed thinks fit therein, to remain till they make payment of their said fine; And that Letters of horning upon six dayes warning, and Letters of Pointding and apprysing in forme as effeires be direct upon any sentence to be pronounced by the Commissioners of Processes, during this Session of Parliament, or by any Committees the Parliament shall appoint for that effect thereafter, against the saids Delinquents or any of them, for pay-

and their saids fines. And farther but prejudice of the wairding, Letters of horning, poinding, and appryseing foresaid, and all that may follow thereupon, incase the saids Delinquents shall failzie to make payment of their saids fines, or any part thereof, at the termes appointed for payment of the same, either first, second, or third terms payment thereof; Then, and in that case, the saids Estates of Parliament, By thir presents, Gives full power and Commission to the said Commissioners of Processes during this present sitting of this present Session of Parliament, and thereafter to the Committee or Committees to be appointed by the saids Estates of Parliament for that effect (immediatly after the first failzie to be committed by the saids delinquents, or any of them, of the payment of their fines or any part thereof) To cause sequestrate the saids Delinquents haill Rents and Estates, uplift and ingather the samine to the publike use for payment of the saids fines, And to take their houses and put Garisons therein upon the charges of the Delinquents, and that by and attour their fines and failzies appointed or to be appointed to be payed by them. And also ordains the saids Delinquents, To sell and dispone Heritablie and Irredeemablie, the Lands, Heritages, Teynds, and others whatsomever, with the pertinents perraining to the saids Delinquents who shall happen to failzie in payment of their fines as said is, at the least so much thereof as will be equivalent to their saids fines and failzies at the rate of seven years purchase: And thereupon, to make, seal, and subscribe, Dispositions and Alienations thereof, and all other Writs and Securitie, requisite to any person that will please to accept and buy the same at the said rate, with absolute warrandise to be contained therein against all deadly: Which right and disposition so to be made of the saids Lands and others foresaids To the buyers; The Estates of Parliament by thir presents declares, shall bee in all time thereafter ane good and validie right to the buyers their heires and assignes, to brook the samine Lands and others *in perpetuum*, als freely and als peaceable as the saids Delinquents themselves might have brooked the samine, by vertue of their preceding Rights and titles: And if the saids Delinquents shall either refuse and postpone, or be absent; to dispone and annalie their Lands, Heritages and others foresaids, at the least so meekle thereof as will pay their fines and failzies: Then, and in that case, The Estates of Parliament gives full power and Commission to the saids Commissioners *respective* abovespecified, To sell annalie and dispone to any buyer that will accept of the samine, any Lands, Heritages, Teynds, or others whatsomever with their pertainments pertaining to the saids Delinquents, at the least so meekle thereof as will satisfie and pay their saids fines and failzies, at the said rate of seven years purchase: Which dispositions so to bee made by the saids Committees *respective* foresaid, The saids Estates of Parliament, declares to be als good and valide a right to brook the saids Lands and others foresaids, as if the samine were made by the Delinquents themselves, and gives warrand to the Thesaurer or Commissioners for the Exchequer, to

to receive the saids buyers upon the dispositions so to be made *gratis*: And to the effect The saids buyers may the more peaceably Bruik and Possesse the saids Lands, The saids Estates of Parliament Ordaines the saids Delinquents, disponers foresaid, of their saids Lands, Teynds, and others foresaids, To deliver the evidents of such Lands as they shall dispone upon oath to the partie buyer, if there be no other Lands comprehended within the said evidences of greater value then the saids Lands disponed; And if there shall be Lands within the saids evidents of greater value nor the Lands disponed, Then the saids Estates Ordaines the saids buyers to have the principall Writs and Evidencies, and the Sellers to have the authentick transumpts thereof; With power likewise to the said Commissioners appointed or to be appointed, to seaze upon their haill Evidents, and detaine them till they make payment of their fines and failzies: And also incase any of the saids Delinquents shall postpone, be absent, or refuse and delay to make payment of their saids fines as shall bee impoled upon them by vertue of this present Act; Then, and in that case, The Estates of Parliament Statutes and Ordains, That any person or persons whatsomever who are resting any sums of Money to the saids Delinquents by whatsoever manner of way, shall be cited and conveened before the saids Commissioners for the processes during their sitting, and thereafter before the Commissioners to be appointed for that effect, and decerned to make payment of such sumes of Money as they are resting to the saids Delinquents to the publike, in contentation of the saids Delinquents their fines *pro tanto*, upon ane discharge to be granted to them thereupon by the saids Commissioners or their Thelaurer *respective* foresaids with absolute warrandise: Which discharge, The Estates of Parliament declares shall bee as valide a discharge to the receivers thereof, as if the samine were made and granted by the saids Delinquents themselves, To free them at the hands of the saids Delinquents, and at the hand of all persons whatsoever. And to the effect, it may be conceived what sums of Money are aughtand by any person to the saids Delinquents; The saids Estates Ordains publication to be made at the Market Crosse of Edinburgh, the Market Crosse of the Town where the Committee shall sit, and Market Crosse of the Shire where the Delinquents dwells; That such persons are decerned and declared to be Delinquents, and hes not made payment of their fines, and commanding all persons whatsomever addebted to the saids Delinquents in any sumes of Money by Band or otherway, To come and give up the same to the saids Commissioners present, or to be appointed, which persons upgivers shall have the fifth part of the sumes aughtand by them to the saids Delinquents allowed and quit to them: And incase the saids Persons Debters to the saids Delinquents shall failzie to come in and give up the said sums aughtand by them to the saids Delinquents, after publication made in manner abovespecified; Then, and in that case, the foresaids Persons Debters shal be lyable in payment of a fifth part more nor that which they were formerly aughtand, in respect of their contumacie.

ACT XII.

Anent the Committees of VVarre in the severall Shires.

2. *February* 1646.

THE Estates of Parliament now conveened, in the fifth Session of this first Triennall Parliament, Taking to their consideration, That the same causes that moved the Convention of Estates in August 1643. and the Parliament sensyne to appoint Committees of War in the whole severall Shires of this Kingdom, for the furtherance of the Service of the Kingdom, Do not onely yet remain, but are further increased; Therefore the Estates of Parliament Nominates and Appoints the persons *respective* after specified, To be upon the Committees of War of the severall Shires *respective* underwritten, both for Burgh and Land, *viz.*

For the Sheriffdom of Stirling, *James* Earle of Calender, the Laird of Harbertshire, the Laird of Bonhard, the Laird of Dedrese, the Laird of Quarrell, the Laird of Stanhows, the Laird of Lantown, the Laird of Balgonie, the Laird of Cardene, the Laird of Leckie, the Laird of Boquhane, the Laird of Baucloiche, *Thomas Bruce* old Provest of Stirling, *John Schort* Provest of Stirling, M. *John Cowan* in Stirling, the Laird of Boquchanan, the Laird of Woodheid, *Robert Blair* of Finik, *John Grahame* of Poldaire, *Thomas Boquhanan* of Boquhane, the Laird of Drumikill, the guid man of Boquharrage, the Laird of Polmais. Seven to be the Quorum, and to be Conveener for the first time.

Item, For the Sheriffdom of Angus, panmure younger, *Peter Young* of Seaton, *John Acherlownie* of Guind elder, *John Ogilvy* of Pitmoues *William Ruthven* of Gairdene, *John Aucherlonie* for Arbrothe, *James Arbuthnet* of Arbeikie. Presbytery of Brechin: *Robert Arbuthnot* of Findourie, *George Summer* of Balzodie, *John Fullertoun* of Kynnaber, *James Scot* of Loigie, *James Guthrie* of Pitforthie, *Iames Peadie* for Montrose, *William Lion* for Brechin. Presbytery of Forfar: *Frederick Lion* of Bridgtoun, *wil. Grahame* of Cleberhouse, *Tho. Fothringham* of Donoone, the Laird of Cossens elder, *Iames Pierson* of Balmadies, M. *David Lindsay* of Pitscandly, M. *William Oliphant*, *Henry Maule* of Melgince, *Iohn Mill* for Forfar. Presbytery of Dundee: The Laird of Tailling, *Iohn Scrumgoure* of Kirktoun, *Alex. Watherburne* of Kinginie, *Durhame* of Grange, M. *Iohn Fothringham*, M. *Iames Kid* of Craigie, *Geo. Camphel* of Carsgownie, *Thomas Haliburtoun* for Dundee. Presbytery of Meigell: *Iames Creichtoun* of Ruthven, *Iohn Ogilvy* of Balfoure, Sir *William Blair* of Bargillo, *Iohn Nesm* of Meuthie, *Alex. Arbuthnot* of Blackstoun, *Durhame* of Powrie, M. *Alex. VVedderburne*, M. *Iames Durhame* of Pitkero. Six to be a Quorum, and to be Conveener for the first time.

Item,

Item, For the Sheriffdome of Wigtoun, The Earle of Cassils, the Earle of Galloway, the Lord Garleis, Sir *Patrick Agnew* of Lochnaw, *Andrew Agnew* appeirand of Lochnaw, Lairds Barnbarroch, L. Craichlaw, L. Marton, L. Mochrum, L. Mochrum younger, L. Ardwell, L. Freuch, L. Logan, L. Craigcaffie, L. Parkhay, *James Rosse* of Balneill, *Thomas Adair* Proveſt of Stranrawr, Sir *Robert Adair* of Kinhilt, *Hugh Macdowall* of Knocklas, *Hugh Kennedie* of Sinnes, *William Kennedy* of Killespie, *Andrew Macdowal* of Kilaster younger, *Francis Hay* of Ariuland, *James Kennedy* Factor to the Earle of Cassils, *Arch. Stewart* of Fintalloch, *Alex. Stewart* younger of Phisgill, *David Dumbar* of Baldon, *John Hauston* of Drumastoun, *William Maxwell* of Munreith, *Patrick Ahanny* Proveſt of Wigtoun, *Patrick Agnew* of Seuchan, *Andrew Macdowall* of Lesnow *William Gordoun* of Grange, *Robert Macculloch* of Drummorres, *Hugh Mackdowall* of Dalregill, Laird of Garthland; with power to the said persons to meet in the severall divisions appointed to the Earle of Cassils and Lord Garleis, according to the Act of Parliament in August 1644. Or joyntly, as shall be most expedient for the publike service, and to be conveened by the Commissioners of the shire, or either of them. Nine a Quorum of either of the Divisions, and to be Conveener for the first time.

Item, For the Sheriffdom of Clackmanan, Sir *Robert Bruce* elder of Clakmannan, Sir *Charles Erskin* of Cambuskenneth, Sir *James Rollock* ſier of Dunkrub, Sir *George Morison* of Tillidbody, M. *Robert Bruce* of Kennet, *James Hadden* of Myrtoun, *Robert Maslertoun* of Parkmylne, *William Grahame* of Hiltoun, M. *Wil. Blackburn* Factor of Campbell, *Thomas Rollock* Sheriffe-Depute, *James Patton* of Seforth, Sir *Alex. Shaw* of Sauche. Five to be Quorum, and to be Conveener for the first time.

Item, For the Sheriffdom of Hadington, The Earles of Wintoun, Lauderdale, Hadington, L. Yester, L. Angus, L. Elibank, Lairds of Wauchton, Beile, Aderstoun, Clerkington, *Robert Hepburn*, Innerweik, L. Humbie, Sir *John Sinclar* of Steniſon, Sir *Arch. Douglas* of Spot, Beinstoun, Smetoun, Craig, Ruchlaw, Elvingston, Prestongrange, Preston, Colstoun, Foord, Whytlaw, Congilton, M. *Alex. Hay* of Barra, M. *John Pringile* ſiar of Woodhead, *John Cockburn* Proveſt of Hadington, *James Purves* Baily of Dumbar, Sir *William Dick*, *Home* elder in Northberwick, L. *Levingston*, and *Ander. Hamilton*, Seven the Quorum, and to be Conveener for the first time.

Item, For the Sheriffdome of Berwick, The Earle of Hadinton, the Lord Angus, L. Wedderburns elder and younger, Sir *William Scot* of Harden, the Laird of Langtoun, the Laird of Blacader, the Lairds of Swintoun elder and younger, the Laird of Haliburton, the Laird of Lambertoun, the Laird of Cumunsden, *John Home* of Nynhollis, *Patrick Home* of Coldinghamlaw, M. *George Home* of Bedſcheill, *John Pringle* Fiar of Stitchell, the Lairds of Foulden elder and younger, M. *Henry Home* of Heredrig, *John Ker* in Merſiegron.

VVilliam

William Home of Linthell, *Alexander Home* of Bassindean, *Robert Dickson* of Bucherig, *Henry Carmichael* of Edrem, the Laird of Thorniedykes, *James Home* of Castellaw, M. *Alexander Home* of S. Leonards, *Alexander Wilkieson* younger for the Burgh of Lawder, the Laird of Tottis, Sir *James Nicolson* of Cobethspeath, Sir *Patrick Home* of Polwart: Whereof seven to be a Quorum, and to be conveener for the first time.

Item, For the Sheriffedome of Roxburgh, *Francis* Earle of Balcleugh, the Earle of Louthian, Sir *William Douglas* of Cavers, the Laird of Edname, Sir *Andrew Ker* of Greinheid, Sir *Walter Riddel* of that ilk, Sir *Thomas Ker* of Cavers, *Archibald Douglas* fiar of Cavers, *William Elliot* of Stobes, *John Ker* of Lochtour, *Walter Scot* of Goudilands, *Robert Pringle* of Stichell, *Gidion Scot* of Harden, *John Rutherfourd* of Edgerstone, the Laird of Langlands, Master *Gilbert Eliot* of Craigend, *Archibald Eliot* of Falnesche, *John Scot* of Breideiyards, *Robert Ker* of Middelmest vales, *Andrew Ker* of Mesendew, *John Rutherfurd* of Bankend, *Andrew Bell* of Mow, *Gidion Wauthope*, Master *William More* of Otterburn, *Robert Scot* in Braidhanch, *Walter Riddel* in Langhanch, *William Ker* in Snynlyd, *William Ker* of Newton. *John Rutherfurd* of Tarphope, the Laird of Beirope, M. *John Brown*, Seven to be a Quorum, and the Laird of Stobs to be conveener for the first time.

Item, For the Sheriffdom of Perth, the Earle of Tillibardine, the Laird of Inchmartin, the Laird of Balthyock, *Bruce* of Fingask, Sir *Peter Hay* of Megans, the Laird of Inchstuir, Laird Freiland, Laird of Addie, *Balligerna*, *George Hay* of Pitskellie, Kinrochie Kerhlick younger of Crowmane of Bamff, of Furdistoun, the Laird of Craighall, the Laird of Airdblair, *William Lindsay* of Kinlogie, the Laird of Inchmay, the Baron of Fingask, the Laird of Eister Moncreif, *William Moncreif* of Kintillo, the Laird of Balmano, the Laird of Balmedie, the Laird of Pitlochie, the Laird of Balhousie, the Lairds of Cultmalundie, of Williamstoun, of Woodend, of Gask, of Kuikell, younger of Maquene, of Auchtertyrie, of Gleneglese, Barons of Achyell elder and younger, Olyphant of Bauchtelltoun, Sir *George Johnstoun*, Sir *John Erskine* of Balgoune, *Archibald Mercer* in Culros, *James Chrichtoun* in Westeraldie, *William Hontoun* of Bellilisk, *Robert Arnot* Provest of Perth, *John Conquexer* Thesaurer there, *Andrew Grant*, *John Elder* Clerk, Bailies there: With power to any five of them to be a Quorum, and that the Quorum have power to sit be-east Tay, betwixt Tay and Earne, or be-west the Water of Earne, for the better dispatch of the affaires of the Shire, with sick cautions and limitations as the Estates shall think meet, and that the said Quorum sit distinctly in the said places, as necessitie shall require.

Item, For the Sheriffdome of Air, *John* Earle of Loudoun Lord Chancellour, Earle of Eglintoun, Earle of Glencairne, Earle of Cassils, Lord Cathcart, Lord Barganie, Lairds of Cuninghamheid, Blair, Kilburnie, Rowallands, Gaitgirth, Coudoun, Corsbie, Colen,

len, Greimet Mac kilvein, Kirkmichels, Penkil, Balloch, Keers, Corscleys, Kildonand younger, *Gilbert Kennedie* in Danger, *Adam Whitefoord*, *Fergus Maccubine*, M. *Hugh Cathcart*, Galstoun younger, Barre, Guilmidscroft younger, Kingancleuche, Carnell younger, Parke, Privike, Cesnok, Staire, *Iohn Kennedie* Provest of Air, M. *Robert Barclay*, Faile, Craturdland, Corsel younger, Baidland, Dullape, Ralstoun, Kersland, Heisiot, *Iames Blair* Provest of Irving, *Adam Ritchie* Bailie of Air, 7. *Quorum*, and Cuninghamheid to bee Conveener.

Item, For the Sheriffdom of Kincardin, *William* Earle Marshal, the Viscount of Arbuthnet, Sir *Alexander Falconer* or Halcartoun, Sir *Alexander Carnegie* of Pittarro, *Alexander Straitoun* of Lauristoun, Sir *Robert Grames* elder and younger of Morphie, Sir *Gilbert Ramsay* of Balmaine, *David Ramsay* younger of Balmaine, *William Reate* of Halgrein, *Burnet* younger of Leyes, M. *David Falconer* of Glentarquher, *Iames Douglas* of Steanipeath, *Patrick Falconer* of Newtoun, *Robert Keith* of Whiterigs, *Patrick Lewingstoun* of over Benholme, *Robert Dowglas* of Brigfuird, *Iohn Barclay* of Johnstoun, *Alexander Keith* of Kirktonhill, M. *Alexander Burnet* of Cregmyle, M. *Alexander Wood* of nether Benholme, *Andro Straiton* of Greenleyes, *Arthur Straiton* of Saatone, *Iames Ardes* Tutor of Ardes, *Reate* of Kincausie, Lord Fraser, or Master of Fraser, L. Thornton younger, L. Balbigno, L. Leslie elder, 7. the *Quorum*, and to be Conveener for the first time.

Item, For the Sheriffdom of Bamff, *Iames* Earle of Finlater, *Walter Ogilvie* of Boynd, sir *Alexander Abercrombie* of Birkinboig, *Alexander Ogilvie* of Knock, *Walter Ogilvie* o Reidhyth, *Iames Ogilvie* of Ragvell, *Iames Baird* of Auchmeden, *Robert Wilson* of Brackenhills, *William Lawtie* in Myrehouse, *Thomas Abercrombie* of Skeith, *George Ogilvie* of Halyeards, *George Lawtie* in Tocheneill, *Alexander Wenchester* Baylie of Bamff, 5. the *Quorum*, and the Earle of Findlater to be conveener for the first time.

Item, For the Sheriffdome of Selkirk for Forrest, *Francis* Earle of Bacleugh, Sir *Iohn Murray* of Philiphauch, Sir *William Scot* of Hardin younger, *Walter Scot* of Whitestaid, *Iames Pringle* of Torretlie, Colonel *Walter Scot* of Hartwoodburn, *Francis Scot* of Sintoun, *William Scot* of Mangertoun, *Thomas Scot* of Todrig, *Iames Scot* of Gallashiels, *Robert Scot* of Hartwoodmyres, *Andro Ker* of Sunderlandhall, *Patrick Scot* of Thirlstaine, *William Scot* of Tischalaw, *Robert Scot* of Bonhill, *Robert Scot* of Braidmiddaes, *Archbald Scot* of Midlesteid, *Archbald Ellot* of Philip, *Iames Murray* of Deucharre, *Thomas Scot* Burgesse of Selkirk, 7. the *Quorum*, and Conveener for the first time.

Item, For the Sheriffdome of Drumfreis, and stewartrie of Annandale, *Gavin* Earle of Carnweth, the Laird of Lag, *William Douglas* of Kelhead, Master *George Douglas* of Pynnerie, Sir *Iohn Greirson*, *Robert Kirkpatrick* of Closburne, *Iohn Crichtoun* of Crawfurdston, *Robert Ferguson* of Craigdarroche, *Thomas Ferguson* of Caitloche, *Iohn*

Lowrie

Lowrie of Maxweltoun, *John Wilson* of Croglome, *James Greirson* of Dalgonner, *James Kirkha* younger of Sunday-well, *John Dalrumple* of Waterside, *Archbald Johnstoun* of Lauchrie, *John Douglas* of Stenhouse, *Andro Cuninghame* of Snaid. For Annandale, the Laird of Apilgirth, *James Douglas* of Mousell, *Archbald Douglas* of Dromock, *John Johnstoun* of Wamphray, *Francis Scot* of Cairtertoun, *Mathew Wilson* in Greinhill, *William Jardan* of Balgrey, *James Stiel* in Breirill, *William Irwing* of Cleucheid. For Drumfreis, *John Irwing* Provest Conveener, *John Johnstoun* Bailie, *William Phareis* Bailie, *John Copland* Baillie, *John Cuninghame* late Bailie, 7. the *Quorum*, and the Conveener for the first time.

Item, For the Sheriffdome of Edinburgh principall, *Francis* Earle of Bacleuch, Earle of Hadingtoun, Earle of Lowthian, Earle of Lauderdale, Earle of Dalhousie, Lord Borthwick, Lord Ros, Lord Balmerino, Lord Forrester, M. of Balmerino, Sir *Archbald Johnstoun* of Warristoun, Sir *Iames Foules* of Colintoun, Sir *James Dundas* of Armistoun, Sir *John Cowper* of Gogar, Sir *Patrick Hamiltoun* of Prestoun, Sir *William Scot* of Clerkingtoun, Sir *william Nisbit* of Dean, Sir *John Wachob* of Niddrie, Sir *william Dick* of Braid, M. *Garye Winrahame* of Libbertoun, *Inglis* of Inglistoun, *Gilbert Kirkwood* of Pilrig *George Foules* of Ravilstoun, M. *Adam Cuninghame* of Woodhall, M. *John Inglis* of Cramond, *John Nicolson* of Polton, *Mark Cas* of Cockpen, *Iames Boyd* of Temple, *Iames Murray* *Dobie* of Stonihill, *william Fairley* of Brunsfield, *William* *Douglas* of Gogar, *Simmervell* of Drum, M. *William Little* of Libertoun, M. *Laurance Scot* of Beav law, M. *Iames Scot* of Bonnitoun, *William Murray* of Hermeistoun, M. *Samuel Johnstoun*, *David Mackallo*, the Laird of Riccartoun, the Laird of Craigmiller, *Alexander Hay* of Revelrig, *John Gibson* of Haddistoun, *Patrick Eleis* of Southside, Sir *John Hope* of Craighall, *Hay* of Muntain, *Andro Hammiltoun* of Redhall younger, *Thomas Kinkaid* of Waristoun, *Iames Ruchhead*, *Iames Stewart*, *John Peirson*, *Laurence Henderson* Bailies of Edinburgh, M. *John Skeine*, *Thomas Paterson*, 9. *Quorum* and to be Conveener for the first time.

Item, For the Sheriffedome of Fyfe, and Burghs within that Shire, Sir *Alexander Gibson* of Durie Lord Register, Scottiscraig, Lund elder or younger, Arnot elder or younger, Creich, Rireile, Inschdinni, Forthir elder or younger, Cambo, Craighall, Fairnie elder or younger, Balmuill, Denmuire, Sir *James Halkheid*, Denmylne or his son, Bogy, Kirkneile Randelurde, Ardrois, Nachtoun younger, S. Monance Aredrie elder or younger, Lathreish younger, Cullairny, Sir *Iames Scot* of Tarvet, Sir *John Erskine*, Fingask, Auchmuty, Ballo, Cleish, Sir *Henry Wardlaw*, Sir *John Carstairs*, Tilliboll, *Kankilor Macgill* younger, Earlshall, Balfoure elder or younger, Sir *George Hammiltoun*, Barnes, Halyards Canuchie, M. *Alex. Colvel*, Rossie, Pitmillie, Kirkforther, Kingask, Randerstoun, Balcommie younger, Sir *Iames Melvill*. For the Burghs, S. Andrews,

Cowper

Cowper, Craill and Kilrinnie, Dumfermling and Innerkeithing, Kirkaldy and Dyſert, Anſtruther Eaſter and Weſter, Pittinweim, Bruntiland and Kinghorn. For S. Andrews, *John Leper* Proveſt, or *James Robertſon* younger Bailie. For Cowper, *George Famſon*, or *David Robertſon* elder. For Kirkaldie, *Robert White*, or *John Colliar*. For Dyſert *David Simſon*. For Anſtruther Eaſter, Captain *Alexander*, or *John Alexander* Bailie. For Anſtruther Weſter, *Andro Richardſon*. For Pittinweim, *Walter* or *James Airths*, For Crail, *Andro Daw*. For Bruntiland, *George Gardne*, or *Thomas Gourlay*. For Dumfermling, *Iames Read* or *Peter Walker*. For Kinghorne, *Iames Robertſon*, or *William Key*. For Innerkeithing, *Mark Kinglaſsie*, or *Andro Dickſon*. For Kilrinnie, *Andro Howiſon*. *Iohn* Earle of Crawfurd Lindſay, *Charles* Earle of Dumfermling, *William* Earle of Dalhouſie, *Iohn* Earle of Weemes, Lord Elcho, *Robert* Lord Burghley, *Alexander* Lord Balcarras. 9. the Quorum.

Item, For the Shriffdom of Lanerk, *William* Earle of Lanerk, the Earle of Cornwath, Sir *William Bailie* of Lamington, Sir *Iames Lockhart* of Ley, Sir *William Carmichaell*, Sir *william Lockhart*, *Gawen Hammiltoun* of Raploch, *Robert Hammiltoun* of Torrence, *Iohn Hammiltoun* of Gilkerſchugh, *Iames winram* of Wouſtoun, *Alexander Meinzes* of Culterallers, *Iohn Hammiltoun* of Woodſtoun, *Iames Hammiltoun* of Halcraig, *Iames Cunninghame* of Bonitoun, *George Lockhart* of Talbrax, *Iames Cunninghame* of Coblehauch, *George Weir* of Herwood, *Robert Dormon* of Neſtſheal, *William Bailie* of Herdingtoun, *william Hammiltoun* of Dalſerf, *Quintine Hammiltoun* of Buncleuch, *Robert Bailie* of Ierſtoun, *Iames Hammiltoun* of Boigs, *william Hammiltoun* of Mains, the Bailies of Lanerk, Lord Angus, Lord Barganie, M. *Iohn Carmichael*, M. *Iohn Cheiſlie*. Seven the Quorum. The Proveſt and Bailies of Glaſgow, Theſe of the upper Ward to be divided from theſe of the nether Ward, except where it concerns the whole Shire, and then they to meet all together at Lanerk or Hammiltoun.

Item, For the Sheriffdom of Renfrew, *Alexander* Earle of Eglintoun, the Earle of Glencairne, the Laird of Houſtoun, the Laird of New-wark, the Laird of Craigance, the Laird of Fulwood, the Laird of Cowdoun, the Laird of Kilbirnie, the Laird of Barrochane, the Goodman of Duchell, the Goodman of Caldwell, the Laird of Ralſtoun, M. *Iames Montgomerie* of Weitlands, *Robert Hall* of Fulbare, *William Muire* of Glennerſtoun, *Iohn Sprewl* Proveſt of Renfrew Seven the Quorum, and and to be Conveener for the firſt time.

Item, For the Stuartrie of Kirkcudbright, The Vicount of Kenmure, the Lord Kirkcudbright, Urchartoun, Balmaghie, Bargertoun, Cairltoun, Calie, Earleſtoun and his ſon M. *William Gordoun*, Caſſincarie, Barcaple, the Laird of Haircleuch, *Thomas Macklian* of Coſline, *Iohn Stuart* of Chambellie, *Thomas Roome* of Irngray, *Robert Gordoun* of Konkbrax, *Alexander Gordoun* of Knokgray, *William Glen-*

doning Proveſt of Kirkcudbright, *John Carſan* Baillie thereof, *Brown* of Cerſluith, *Robert Gordoun* of Robertoun, Sir *Patrick Makie* of Larg, Colonell *Stuart*, *John Gordoun* of Culreoch. Seven the Quorum, and to bee Conveener for the firſt time.

Item, For the Sheriffdome of Linlithgow, *James* Earle of Calender, *william* Earle of Lenerk, the Lord Levingſtoun, the Lord Bargenie, *George Dundas* of that ilk, *Walter Dundas* younger of that ilk, *George Dundas* of Dudiſtoun, Sir *Robert Drummond* of Miedhop, *John Cornwall* of Bonhard, M. *George Dundas* of Maner, Sir *Joſeph Dowglas* of Pompherſtoun, Sir *Walter Murray* of Levingſtoun, *John Hammiltoun* of Boighall, *Andrew Hammiltoun* younger of Ridhall, *Alexander Hammiltoun* of Binnie, M. *John Bruce* of Wrea, *William Bruce* of Kincavill, M. *David Hay* of Woodcockdaill, Sir *william Dick* of Braid, *Francis Durham* of Dintervie, *David Dundas* of Philiphoun, M. *James Eaſtoun*, *Alexander Maxwell* of Dechmonth, *Alexander Crawfurd* Merchant Burgeſſe in Linlighgow, *James Dawlem* in Queensferry, *Alexander Hammiltoun* of Parkley, M. *James Whythead* of Park. Seven to be the Quorum, and to be Conveener for the firſt time.

Item, For the Sheriffdome of Aberdene, *william* Earle Marſhall, *James* Vicount of Frendraught, Lord Fraſer, Maſter of Forbes, Sir *William Forbes* of Cragivar, *Arthur Forbes* of Eight, *James Skene* of that ilk, *Thomas Johnſtonn* of Craig, *Francies Fraſer* of Kinmundie, *Gilbert Skene* of Dyce, *Thomas Forbes* of Watertoun, *John Kennedie* of Kirmuckis, *John Forbes* of Aſlowne, *Thamas Erſkin* of Pitterdrie, Sir *william Forbes* of Monymusk, *William Forbes* younger of Corſinday, *Alexander Strauchan* of Glenkindie, *Alexander Fraſer* of Phillorth, *Duncan Forbes* of Campbell, *william Forbes* younger of Leſlie, *Arthur Forbes* of Innernochtie, *George Leſlie* younger of Kincragie, *John Forbes* of Knockquhairne: *John Leyth* of Whythauch, *John Forbes* of Ardmurdo, *James Forbes* of Cloak, *william Dalgarno* of Garniſtoun Sir *Alexander Abercrumbie* of Birkinboig, Sir *William Keith* younger of Ludquharne, *Alexander Forbes* Tutor of Pitſligo, *Thomas Fraſer* of Streichen, *walter Forbes* of Tolquhen, *John Forbes* of Bythe, *John Keith* of Clarkreach, *Patrick Leſlie* ſometime Proveſt of Aberdene, M. *Robert Farquhar* late Proveſt there, *Alexander Iaffray* and M. *william Moir* Bailies thereof, and *Walter Cochrane* late Deane of Guild of the ſaid Burgh, and nine promiſcuouſly to be the Quorum,

To the which Committees of War of the ſeverall Shires *reſpective* above mentioned and Quorums thereof *reſpective* foreſaids, The ſaids Eſtates of Parliament Do hereby Renew and grant the ſame Commiſſion, Power, and warrand, contained in the Printed Act of the foreſaid Convention of Eſtates, dated 26 of Auguſt 1643 yeers, To the ends and with the ſame Liberties and Proviſions therein ſpecified, and conforme to the Tenor thereof in all points: And ordaines the foreſaids Committees of War of the ſeverall Shires *reſpective* before rehearſed

To

To meet and conveene with all conveniencie, And appoints these persons abovenamed of the severall Committees abovewritten, who are Commissioners for the saids Shires to this present Session of Parliament, To be conveeners of the foresaids Committees for the first meetings thereof, and to prosede in the saids severall Committees at the same first meetings thereof, With power thereafter to the saids several Committees, or Quorums thereof *respective* before-rehearsed, To nominate and choose their own severall Coveeners to prosede at their meetings as they shall finde expedient; Reservand power nevertheless hereof, to the Committee of Estates of Parliament or their Quorum, To alter and change the foresaids Committees of War, or any of the persons abovenamed, nominate to be upon the saids Committee, As the Committee of Estates or Quorum thereof shall think fit or finde expedient. And further, the Estates of Parliament Remits to the Committee of Estates the setling of Committees of War in the remanent several Shires of the Kingdom, by the particular Shires abovewritten for whom Committees of Warre are hereby appointed, in manner before-rehersed.

ACT XIII.

Discharging the Printing of anything concerning Religion or the Kirk without Licence.

2. February 1646.

THe Estates of Parliament presently conveened, in the fifth Session of this first Triennall Parliament, Understanding from the Generall Assemblie the great abuse of Printing and Publishing Books, Letters, and other Papers concerning Religion and the Kirk without Licence; Therefore for Remedie thereof, Inhibites and discharges all and every one to presume hereafter to Print or Reprint any Declarations, Protestations, Covenants, Confessions, Letters, Acts, or any thing issuing from Kirk Judicatories, or any Books, Treatises, Histories, Sermons, Commentaries, Disputes, or other Papers whatsomever treating of Religion, or any point of Religion, in Doctrine, Worship, or Discipline; Or concerning the Kirk, the Officers, Government, or condition of affaires thereof, without speciall Licence and Priviledge of the Generall Assembly or their Commissioners, or such as shall have power from them; And that under the pain of Confiscation of the saids Books and other papers printed without Licence aforesaid; and of the Presses, Types, and other moveable goods whatsomever belonging to the Printers thereof; The one halfe whereof shall belong to the Kirk, to be made use of and imployed upon pious uses, Beside any further personall punishment of the saids Printers that the Lords of Secret Counsell or the Committees of Parliament or Conveution shall think fit to inflict. And the saids Estates Ordains Magistrates of Burghs where Printers dwell, upon Information from

the Generall Assembly, their Commissioners, or others having power from them, to arrest, take, and apprehend the saids Printers, contraveeners of this Act, with the Books and other Papers aforesaid, to be presented to the Lords of Counsell, or Committees of Parliament, or Convention, to Underly the Law for the said offence, that after tryall thereof, the saids Books and Papers, and all the other goods aforementioned may be confiscate, in manner aforesaid, and the offenders further punished at the discretion of the saids Judges.

ACT XIV.

Prorogating the Commission for the Exchequer.

2. *February* 1646.

THe Estates of Parliament now conveened, in the fifth Session of this first Trinnall Parliament, Taking to their consideration That the Commission for the Exchequer did become void by the meeting of the Estates in this Session of Parliament, And herewith also considering how necessary it is that the said Commission be renewed, for the good and dispatch of the Lieges; They do hereby renew and prorogate the former Commission for the Exchequer granted by the Estates of Parliament to the persons therein mentioned in the second Session of this first Trinnall Parliament, of the date the first day of February 1645 yeers, And ordains the same to stand in full force, strength, and effect, conform to the tenor thereof in all points, While the next Session of this parliament, and longer ay and while the same be discharged by the Parliament or Committee of Parliament; And in the mean time ordains sick of the persons contained in the said former Commission as are under suspition, to forbear the exercing of their charge therein while they be cleared of the same suspition.

ACT XV.

Against keeping Fairs upon Monday and Saterday.

2. *February* 1646.

THe Estates of Parliament now conveened, in the fifth Session of this first Triennall Parliament, Considering that the prophanation of the Sabbath is occasioned by keeping Fairs upon Saterday and Monday, as it was by keeping weekly Markets upon these dayes, Do therefore inhibit and discharge all Burghs and Towns To keep Fairs upon Monday and Saterday, under the pains contained in the Act past in Parliament in June 1640 against keeping weekly Markets on these days; Which Act the Estates do hereby extend against keeping of Faires upon these dayes, in the whole tenor and effect thereof.

ACT XVI.

ACT XVI.

Anent non-Covenanting Patrones.

2. February 1646.

THe Estates of Parliament now conveened in the fifth Session of this first Triennall Parliament, Taking to their consideration the ninth Act of his Majesties second Parliament, in the yeer 1641. anent non-Covenanting Partrones, and other non-Covenanters therein mentioned, Think it very reasonable that the same be extended in manner following; And therefore declare, That Presbyteries shall not onely have right *proprio jure*, to plant and provide all and sundry Kirks of the Patronages belonging to any person that have not subscribed the Nationall Covenant, but also all Kirks of the Patronages belonging to any person that hath not subscribed the League and Covenant of the three Kingdoms, or that is, or shall be Excommunicate, And that from the time of the Publike injoying the Covenant by the Kirk, and of pronouncing the sentence of Excommunication, ay and while they subscribe the saids Covenants, and be relaxed from Excommunication *respectivè*. And it is also declared and ordained, That all Kirks of the Patronages belonging to any person that is, or shall be foretaulted for whatsomever cause, be provided and planted hereafter by Presbyteries within whose bounds they lye, and that the right of planting thereof shall belong to Presbyteries *pleno & proprio jure* in time comming; Declaring also hereby, that the planting and providing of all and sundry the Kirks above-mentioned, shall alwayes be according to the Propositions of Ordination of Ministers agreed upon by the Assemblies of both Churches, and ratified by the Parliament of this Kingdom; And further, the Estates extends the Act of Parliament above-mentioned, against the refusers of the League and Covenant of the three Kingdoms, and Excommunicate persons, in the whole tenor and effect thereof; Ordaining the same to be as effectuall in all points against them, as against the refusers of the Nationall Covenant therein expressed.

ACT XVII.

For founding Schools in every Parish.

2. Febr. 1646.

THe Estates of Parliament now conveened in the fifth Session of this first Trinnall Parliament, Considering how prejudiciall the want of Schools in many congregations hath been, and how beneficiall the founding thereof in every congregation will be to this Kirk and Kingdom; Do therefore Statute and Ordain; That there be a Schoole founded,

founded, and a Schoole maſter appointed in every Pariſh (not already provided) by advice of the Presbyterie: And to this purpoſe, that the Heritors in every congregation meet among themſelves, and provide a commodious houſe for a Schoole, and modifie a ſtipend to the School maſter, which ſhall not be under ane hundred Marks, nor above two hundred Merks, to be paid yeerly at two Terms: And to this effect that they ſet down a ſtent upon every ons Rent of ſtock and teind in the Pariſh, proportionally to the worth thereof, for maintenance of the Schoole, and payment of the Schoole maſters ſtipend, Which ſtipend is declared to be due to the Schoole maſters by and attour the caſualities which formerly belonged to Readers and Clerks of Kirk Seſsions. And if the Heritors ſhall not conveene, or being conveened ſhall not agree amongſt themſelves, Then, and in that caſe the Presbyterie, ſhall nominate twelve honeſt men within the bounds of the Presbyterie, who ſhall have power to eſtabliſh a Schoole, modifie a ſtipend for the Shoole maſter, with the latitude before expreſſed, and ſet down a ſtent for payment thereof upon the Heritors, which ſhall be as valide and effectuall as if the ſame had been done by the Heritors themſelves. And becauſe the proportions impoſed will be very ſmall, Therefore for the better and more ready payment thereof: It is further ordained, That if two Terms proportions run in the third unpaid, Then theſe that ſo fail in payment ſhall be lyable in the double of their proportions then reſting, and in the double of every Termes proportion that ſhall be reſting thereafter, ay and while the Schoole maſter be compleatly paid, and that without any defalcation: And that Letters of Horning and all other Executorials neceſſary be directed, at the inſtance of the Schoolemaſter, for payment of the double of the proportion: in manner foreſaid: Diſcharging hereby any Suſpenſion to paſſe againſt the Schoole maſters without conſignation.. And it is declared, that Life-renters during their life time ſhall be lyable in payment of the proportion impoſed upon the Lands Life-rented, and execution in the manner before expreſſed, ſhall paſſe againſt them for that effect: And the Heritors ſhall be alwayes free of the ſame during the Life-renters life time. And if any perſons findes themſelves wronged by the inequality of the proportions impoſed, It ſhall be lawfull for them to ſeek redreſſe thereof before the Lords of Secret Councell or Seſſion, within yeer and day after the impoſing of the ſtent, and no otherwayes.

ACT XVIII.

ACT XVIII.

Act discharging Lyke wakes.

2. *February* 1646

THe Estates of Parliament now conveened, in the fifth Session of this first Triennall Parliament, Considering the great abuse of Lyke-wakes, Do therefore Inhibite and Discharge all persons of whatsoever quality, To have Lyke-wakes hereafter, and that under the pain of Twenty punds Scots to be paid by the contraveener *toties quoties* to the Kirk-Session for pious uses: And ordains their fines and penalties to be uplifted conform to the Act made at *Pearth* anent the uplifting of pecuniall paines.

ACT XIX.

Discharging the Printing of Books, Chronicles, or Libels without Licence.

2. *February* 1646.

THe Estates of Parliament now conveened, in the fifth Session of this first Triennall Parliament, Having heard and considering the Act of the Committee of Estates of the 29 of November 1644. Whereof the Tenour follows:

The Committee of Estates taking into their consideration the prejudice that doth ensue through the uncontrolled libertie that Printers take to themselves to Print and Publish Books and Papers at their pleasure without any Warrant; And that in all well-governed kingdoms it is expresly prohibite that any Subject take upon hand to Print or Publish any Books, of whatsomever Discipline or Science, but specially Libels, or Chronicles concerning the state of the Kingdom or ages past, without Warrant or allowance for that effect, Therefore the Committee of Estates, according to the practice of the Convention of Estates in former times, Statutes and Ordains, That no persons, of whatsomever ranke, degree, or calling, take upon hand to Print, Publish, or set out any manner of Book, Libell, History, or other Paper: As also that no Book being Printed out of the Kingdom be brought in and sold within the same, while they be first seen and Revised by his Majesties Secretary; Certifying them that do in contrary, they shall forfeit their saids Books and Papers, and their whole other moveable goods; and shall be further punished, at the discretion of the Councell or Committee of Estates. And this Act to endure till the next Session of Parliament, and to be without prejudice of the Act of the Generall Assembly anent Printing, or any order to be given by the publike Jucicatories of the Kingdom.

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The saids Estates renews the foresaid Act, and do hereby Statute and Ordain, That no Act, Libell, or any manner of Book, History, or other Papers concerning the Estate of this Kingdom, Be Printed, or brought in and sold, without advice and Licence of some of the supream Judicatories within this Kingdome, or Secretary thereof: Without prejudice alwayes of the Act of Parliament of the date of thir prelents made in favours of the Commissioners of the Kirk: And also but prejudice to the Clerk of Register his power for Printing of the Acts of Parliament.

ACT XX.

Commission anent the Losses.

3. *Febr.* 1646.

FOrsameikle as the Committee appointed by the Estates of Parliament, Taking to their serious consideration the great and many losses and skaith occasioned by the crueltie and barbaritie of the Rebels, and the late troubles of the Kingdome; And they being willing and readie that there be ane uniform way thorow the whole Kingdom for tryal of the losses both by Sea and Land, that after the exact tryall thereof, course may be taken for their reparation; And for the effectuating and expeding of the same, the saids Estates having found it necessarie and expedient that there be ane particular Committee appointed for the effect above specified, And therefore the saids Estates by their Act having given power and Commission to the said Committee to direct forth Commissions for tryall of the losses within the Kingdom by Sea and Land, and wast and burnt Lands, and who are altogether disabled to pay rent, either by the Enemie or our own forces during the Session of Parliament, and thereafter to the committee that shall be appointed for that effect, to particular Shires, Burghs, or persons as they shall be required that the same being tried it may be reported to the said Committee, that course may be accordingly taken for their reparation: as likewise to receive all reports by vertue of Commissions already granted, or by whatsomever Commissions hereafter to be granted; And for the better clearing of the way of tryall, Have found that the partie grieved or complaining may prove by sufficient witnesses, that he had in his possession immediatly before the Enemy came to his ground or house, such goods & geir as he condiscends upon in his complaint, And that the Enemy being there, they were taken away and destroyed by the Enemy, and were never seen thereafter in these places: And for the insight and houshold plenishing, and whatsoever other goods or others were in the complainers house, that the servants of the complainers be examined upon oath as witnesses thereanent, as an adminacle of the probation; And in supplement of all the probation, the parties complainers to give their oaths, that to their best knowledge all these goods were taken and destroyed by the Enemy, aswel these on the ground as these

these within the house; And that this manner of probation be extended likewise to these goods and losses by Sea, which shall be entred by the parties owners, or others having power to give up entries to ships and goods, using the manner and way before prescribed as accords, leaving latitude after the report of the probation foresaid to the Committee to be appointed for that effect, according to the vote thereanent; And the Committee foresaid being informed that have suffered great losses by burning / their houses and corn, away taking of their goods and geir, wasting of their lands, and by their other losses occasioned by the present troubles: And the said Committee being Petitioned to grant ane Commission for the tryall thereof, The Lords and others of the Committee foresaid, Do hereby give Warrand, Power, and Commission, To or any of them, the Quorum being promiscuous, To take and receive the tryall and probation of their losses, in manner before prescribed; With power to the Commissioners or their Quorum to chuse a Clerk and other Officers and members of Court needfull, and to take their Oaths *de fideli administratione*; And to direct their owne precepts for Citation of witnesses and other parties who are interest and concerned in the businesse, And to amerciate the absents being charged, personalie apprehended, in money for ilk diets absence: And that they take the oaths of the witnesses and the parties who shall be present, and whose depositions shall be admitted by them, and to doe every thing for tryall of the saids parties losses, the cause thereof, and the persons by whom the same was done, observing the order before prescribed: which manner of tryall is found by the Estates of Parliament to be allowed in this case (with reservation alwayes of the modification to the Judge of what shall not be legally proven by writ or witnesses) notwithstanding the parties committers of the wrongs are not cited thereto: And this tryall being taken in manner foresaid, Ordaines the severall parties losses, the quantities thereof, the cause and occasion of the samen, with the parties owne carriage and deservings, to be subscribed by the saids Commissioners their Quorum, and to report the same to the Committee appointed by the Parliament for that effect, that they may take such course therewith as accords, and cause registrat the same in the register appointed for that effect by the Clerk of Register, and to be registrat by Master *Andro Baird* Clerke Depute for keeping of the same register by the Clerk of Register. And the Estates declares, That the Commission abovementioned is but prejudice of the former Acts of Commission issued out of before for tryall of the saids losses by the Parliament or Committee of Estates.

ACT XXI.

Commission for the Moneys, Excise, and Processe against Malignants and Delinquents.

3. February 1646.

THE Estates of Parliament now conveened, in the fifth Session of this first Triennall Parliament, Taking to their serious consideration how necessary it is for the good of the Kingdome, and for the right and more orderly regulating of the matter of Moneys and publike Accompts, debts and burdens thereof, and for bringing in of Moneys and other Provision, and distributing of the samine for maintenance and entertainment of the Armies and Garisons within the Kingdome, That a select Committee be nominate, authorized, and appointed by them for that effect: Therefore, The saids Estates of Parliament hereby nominates, authorizes, and appoints the persons following, *viz.* *William* Earle Marshall, *John* Earle of Cassils, *James* Earle of Tullibardin, *James* Earle of Findlater Vicount of Arbuthnot, *Robert* Lord Burghley, and *James* Lord Cowper for the Noblemen. Sir *John Hope* of Craighall Knight, one of the Lords of Session *Weims* of Bogie, Sir *William Cochrane* of Cowdane, Sir *William Forbes* of Craigivar, M. *George Dundas* of Maner, *Forbes* of Eight, and *Arbuthnot* of Findowrie for the Barons. *James Stewart* Bailie Merchant Burgesse of Edinburgh, *George Gardyne* Merchant Burgesse of Bruntiland, *Alexander Jaffrey* Merchant Burgesse of Aberdene, *George Jameson* Provest of Cowper, M. *James Campbel* Burgesse of Dumbartan, *Iames Pedie* Burgesse of Monrose, and *Robert Lokhart* Merchant Burgesse of Edinburgh, and Sir *Adame Hepburne* of Humbie Thesaurer of the Armie.

To whom or Quorums *respective* after mentioned; The Estates of Parliament grants hereby full power and Commission, To prosecute the wayes and means already layed down, for bringing in of Moneys for the use and entertainment of the Armies and Garisons within this Kingdom. And for this effect, The Estates prorogates the power for borrowing of Moneys for the use foresaid, to the next Session of this present Parliament; And hereby Restricts the power of the foresaid Committee and Quorum thereof, anent the borrowing of Money in time coming, during the said space to be rented and limited as followeth, *viz.* That they shall not borrow from any person any sum above that which the Committee or Quorum thereof shall find to be the halfe of ane years free Rent, pertaining to that person fra whom the Money it to be borrowed, nor above the twenty part of the stock in Money or Moveables, or both, which the Committee or Quorum foresaid shall finde to bee the stock of that person, or persons from whom

whom the Money is to be borrowed. 2. That there shall be no borrowing from any who have alreadie lent and is not repayed. 3. That these to whom any considerable sum of Money is addebted by the publike, shall not be troubled with lending of Money to the publike. 4. That these who are actually imployed in the service of the severall Armies, shall not be troubled with lending of Money to the publike for the use aforesaid. 5. That these whose estate shall not be found by the Committee or Quorum thereof to be in Land Rent, or otherwayes worth five hundreth Merks Scots yearly of free Rent; As also these whose stock in Money, or Moveable Goods, shall not be found worth five thousand Merks Scots, Shall not bee troubled nor urged to lend Moneys for the use of the publike. And the Estates recommends to the foresaid Committee and Quorum thereof, To have a speciall regard in the borrowing of Money for the cause above specified, in manner before prescribed, To the affection and former cariage of the persons or parties fra whom it is to be borrowed, and to their sufferings, their burden, and way of living, and what charge of children they have: And ordaines the said Committee and their Quorum, To have a speciall care for the dispatch of all persons and parties that shall be conveneed, or cited before them for lending of Moneys, That they be not delayed after their appearance for obedience of the citation given to them for lending of Money: And that none be cited to the effect aforesaid, but by warrand past *in presentia* of the Committee or Quorum thereof: As also the Estates grants power to the Committee or Quorum thereof, to call for payment of all by-run sums already decerned to be lent and not yet payed, and to grant and subscribe publike Acts and Securities for any sums already decerned, or to be decerned to be lent for the use of the publike in manner before prescribed; Which Acts and Securities to be granted and subscribed by the said Committee or their Quorum *respective*: The Estates declares to be valide and sufficient to the receivers for repayment of the sums to be lent by them. And sicklike, The saids Estates doe hereby nominate and appoint the persons abovenamed, To be Commissioners for the Excise, And grants power and warrand to them or their Quorum foresaid, or sick of their number as they shall substitute and appoint, To govern the Office of Excise, And appoint Collectors, Surveyers, and other under Officers, and set down such Acts and Ordinances as shall be necessary and expedient for the speedy uplifting and ingathering of the said Excise, and to doe every other thing necessary and requisite for that effect, conforme to the Act of Parliament in July 1644. Concerning the Commission and Ratification anent the foresaid Excise, and according to the Act of Parliament made the last of January 1645. anent the said Excise and Colleding thereof; And to prosecute the wayes and Acts already set down anent the said Excise, as they shall think fit. And likewise, The saids Estates by thir presents, doe give power to the Committee or Quorum thereof, To try, examine, processe, and sentence, or to issue out Summonds or Commissions for all just and legall tryall,

conforme to the Lawes and practise of the Kingdome, against all Malignants, except sick as the Committee of Estates and this Committee with mutuall consent of the Quorums of both at the least, shall finde fit to processe to death; With power likewise to the Committee or Quorum thereof, to impose fines upon the saids Malignants, conforme to their severall degrees or Classes of Delinquencie, according to the rules and appointment to the Act of Parliament made thereanent in this present Session of Parliament; And likewise with power to the Committee or their Quorum, to set, intake, or sell the Delinquents Lands or Moveables, and to uplift the sums of Money due to these who are forefaulted or shall be forefaulted, and who are fined or shall be fined, and payes not the same; And to do all other things contained in the Act of Parliament of this present Session, made anent reall and personall execution; With power to the Committee or their Quorum, upon the supplication of any Delinquents, after payment of three parts of his fine, To mitigate the fourth part thereof, where the annuelrent of his debt exceeds the third part of his Rent, conforme to that Article of the Act of Classes set down hereanent: As also with power to imprison any accused for Delinquencie, and to liberate them out of prison if the Committee or their Quorum shall finde them not to be guilty, and to give warrand to Officers for Transporting of those who are in prison from one prison to another; With power likewise to the Committee or Quorum, to fill the places vakand of such Delinquents as are in Places and Offices within this Kingdome, and shall be found to lose the samine conforme to the Act of Classes; With power in like manner to the Committee or their Quorum, to give order and warrand to the hail Officers, To Muster the Forces of the Kingdom, as the said Committee or Quorum foresaid shall think fit, That equall payment may be made to Officers and Souldiers: And als grants power to the said Committee or their Quorum, to convein and pursue those who have bought or reset plundered goods, And after tryall, to do as they shall think fit; With power also to the Committee or Quorum foresaid, to compone ingrosse, for the Excise of Tabacco bygone and to come; With power to the said Committee or Quorum thereof, to provide for the subsistance of laimed Souldiers in the publike service, necessitous persons, widows and children, whose fathers and husbands were killed in the service of the publike: And the Estates Ordaines and Appoints the said Committee or their Quorum, To advise with the Committee of Estates what further personall punishment shall be inflicted by confinement, banishment, or imprisonment, after payment of the fines in manner prescribed in the Act of Classes; And in like manner, With power to the Committee or their Quorum, To assist the Collector Generall, in calling in the Monethly Maintenance imposed upon the severall Shires and Burghs of this Kingdome for Maintenance of the Armies, conforme to the Act past in this present Session of Parliament, concerning the said Maintenance: And to call in the Accompts of the Rents, Summes, Goods, and others belonging to all Malignants and forefaulted persons

sions, Together with all other Accompts concerning the publike, and to close, allow, controll, or disallow thereof, as they shall finde the same just and reasonable, and to give Commissions for uplifting and intromitting therewith, and to take security for the samine; And with power to them to examine and recall all Commissions formerly granted, for uplifting and intromitting with any of the saids Rents, Sums, Goods, and others aforesaid, such as the Committee or Quorum thereof shall think fitting, Except the Commission or Factorie granted to the Marques of Argyle, of the Lands and Barrony of Mugdock, and others therein contained; And sicklike, excepting the Commission granted to Sir *William Forbes* of Cragivar, ay and while he be liberate or satisfied of sick sums as hee has given band for, by vertue thereof: As also, ay and while hee be satisfied of sick sums, as are restand owand to himself, and which he shall instruct to the Commissioners or their Quorum, to be clearly owand to him, with the Commissions granted to the Earles of Marshell and Findlater, and others Commissions granted in this Session of Parliament; And in like manner, with power to the Committee or their Quorum, To call for Payment and compt of all respondies and debts, addebted and due by any person whatsomever to the publike; With power also to the Committee or their Quorum, To conveen before them any persons who hes been deficient in any publike dues, And after cleare tryall and probation thereof, To uplift and exact from these persons, the penalties contained in the Acts of Parliament, convention of Estates, or their Committees: But prejudice of the Act made in this Session of Parliament, In favours of the Officers of the Armies, anent the ending of the penalties against the resetters of Runnawayes by the Officers; With power likewise to the Committee or their Quorum, To finde and declare what Lands are burnt and Wasted, either by the Enemie, or by the forces of the Kingdome, or the plague, and so should be free of Maintenance: And to consider, grant and discusse the reasons of suspension, anent the payment of the Maintenance upon instructed Compts of Quarterings, or other reasons expressed in the Act of Maintenance, and to receive in the reports of waste and burnt Lands, and other losses by Sea or Land, And to consider who are utterly ruined by the Enemie, and stands in need of Maintenance for their present subsistance, and with the Maintenance of the Armies, To distribute to those out of the remainder of the publike dues, or by disposing some part of forefaulted Lands, what shall be thought necessary for their subsistance: And sicklike with power to the said Committee or Quorum thereof, To grant and direct such orders, letters, and execution, as shall be necessary for inbringing of the saids Moneys, Compts, Respondies, Rents, and others goods foresaid belonging to the publike, and to pronounce Decreits and Sentences thereanent, and cause put the same to execution, and to reduce the haill Debts and Compts of the Kingdome, in such order as the burdens of the publike may be known. And for the better clearing of the saids publike Accompts and Debts of the Kingdome; With

power

power to the forenamed perſons or their Quorum foreſaid, to call for the inſpection of the Regiſters, Records, and Warrands of Parliament, and of all other Committees; To the effect that all Compts, Acts, Bands, Reſts, and Reſpondies may be exactly extracted forth thereof, and the perſons lyable therein may be made Comptable for the ſame. Likeas, The ſaids Eſtates of Parliament hereby commits and inſtructs to the foreſaid Committee, The ſole and only power of diſpoſing and diſtributing of all moneys, which ſhall come in and be due to the publike, Together with the whole Rents and Dueties of Lands, ſums of Money, Moveables and others belonging to Malignants and foreſaulted perſons, with all fines and pryces of foreſaulted Lands, and others whatſomever pertaining to the publike, and to imploy the ſame in the firſt place for the maintenance and intertainment of the Armies within the Kingdome, and ſubſiſtance of thele who ſhall be found utterly ruined in manner after mentioned: And for that effect grants to them the ſole and onely power, to give out and ſubſcribe precepts for the pay and Maintenance of the Armies, and ſatisfying any perſons of ſick ſums as are or ſhall bee appointed by Parliament or Committee of Parliament, for taking or killing of any perſon in the rebellion: And for intelligence, poſts, buying of Armes, Ammunition, the traine of Artillierie, Carriages, and ſuch other preſſing and urging affaires, as concernes the outreike, expedition and maintenance of the Armies allanerly: And Ordains every precept to be ſubſcribed by a full Quorum of the ſaid Committee at the leaſt, Which perſons ſubſcribers thereof, ſhall be anſwerable to the Parliament, That they ſubſcribe no precepts, but for the cauſes foreſaids, Till the affaires and maintenance of the Armies bee firſt diſpatched and ſatisfied (except where there is aſſignements for ane Moneths pay to the Regiments that come from England; And if the ſame fail, with power to the ſaid Committee, to make the ſame otherwayes up, and where the aſſignements exceeds ane Moneths pay, that the ſuperplus accreſſe to the Eſtate) wherein if the ſaid Committee contraveene and failzie; The ſaids Eſtates of Parliament hereby declares and ordains the ſubſcribers of the ſaids precepts, To be lyable in payment to the publike of all ſuch ſums, for the which they ſhall draw precepts for any other cauſe, till firſt the affaires and maintenance of the Armies be ſatisfied; With power to the ſaid Committee in the next place, To diſpoſe and grant precepts upon borrowed Moneys and Exciſe Moneys for other neceſſary uſes, The Army being firſt payed and entertained: Excepting alwayes the particulars contained in the Act of Parliament, which are ordained to be payed out of the Exciſe, als well to Burgh as Land: And ordains the ſaid Committee frequently to conſider the eſtate of the publike caſhe, and what Moneys are therein fra time to time, and to draw no precepts but when there is Money in the caſhe to ſatisfie and anſwer the ſame. Likeas, The ſaids Eſtates ordaines the foreſaid Committee in their diſtributions, and ordering of the payment of the Moneys for the Armies, To diſtribute the ſame equally, and to take ſuch conſtant courſe as

as all Regiments of Foot and Horse, be put and keeped in equalitie, either in Money, Provant, or provision, accordiug to their strength and Muster Rolls, being mustered as is provided in the Act of Maintenance. And to the effect that both Officers and Souldiers of the Armies may know their own proportion due to them, for all Moneys to be payed to them; It is ordained, That all precepts to bee direct by the said Committee for that effect shall bear *in cumulo*, what proportion of the haill sums contained in the precept, is allowed to be payed to the Officers, and what proportion thereof to the Souldiers of the Regiment, Troup, or Company, for which the saids precepts are granted: And where matters of difficultie or importance shall occure, The saids Estates of Parliament ordains the Committee of Estates, To give their advise to the foresaid Committee hereby appointed, as they shall necessarilie desire the same: and the saids Estates ordains, that the Clerk to be appointed by the Clerk Register for this Commission, shall have the trust and keeping of the respondie Books, and of all the Accompts, Instructions, and Warrands thereof which concerns the publike; And if any of the saids Commissioners places shall happen to vake by decease, or otherwayes, The rest of the Quorum of the said Committee, with advice of the Committee of Estates, shall have power to make chioce of others of that same degree, to supply the vaking places one or more; Which Commissioners abovenamed shall at their first meeting accept this Commission, and give their solemn oaths for the faithfull discharge of that trust hereby committed to them, And shall have power to fine such of their number as shall not give diligent attendance, and which Commissioners shall be answerable to the Parliament for their proceedings, fidelitie, and attendance in this Commission, which is to endure to the next Session of Parliament: And because it will be expedient for the better ease of the Leiges be North Tay, That there be a select number of the foresaids persons Commissioners abovenamed, appointed for the ordering and regulating of the matter of Money, Excise, and publike Accompts, and for inbringing of the Moneys, Excise, Rents, Fines, Goods, and others belonging to, & payable by all Malignants, forefaulted Persons, and others within the Sheriffdomes of Forfar, Mearns. Aberdene, Bamf, Murray, Nairne, Innernes, Cromartie, Sutherland, Caithnes, and Orkney, both to Burgh and Land, for these Shires; and for disposing and distributing thereof, for the ends, and to the effect in manner before prescribed: Therefore, The saids Estates of Parliament nominates and appoints *William* Earle Marshall, *James* Earle of Findlater, Vicount of Arthbuthnot, Sir *William Forbes* of Cragivar, *Arther Forbes* of Eight, *Arbuthnot* of Findowrie, *Alexander Jaffray* Burgesse of Aberdene, *James Pedie* Burgesse of Monrose, and *Robert Lockhart* Burgesse of Edinburgh,

Or any five of them to reside at or any other places within

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in the foreſaids Shires, as they or their Quorum ſhall think moſt convenient for the Good of the ſervice within the ſaids bounds of the foreſaids particular Shires abovementioned, both to Burgh and Land: And the Eſtates doe hereby grant to this ſelect Committee or their Quorum foreſaid the like power, within the bounds foreſaid, as is before contained and ſet downe in this Commiſsion abovewritten, in manner before rehearſed in all points, And ordaines and appoints the remanent Commiſsioners abovenamed, Or any ſeven of them as ane Quorum, To be upon this Commiſsion for the haill remanent Shires and partes of the Kingdome, both to Burgh and Land, by the foreſaid Shires of Forfar, Mearnes, Aberdene, Bamf, Murray, Nairn, Innerneſſe, Cromartie, Sutherland, Caithnes, and Orkeny, appointed to the foreſaid ſelect Committee for the North, And to reſide at Edinburgh or any other place they ſhall think moſt convenient, and conduceable for the good of the ſervice: And in reſpect that the foreſaids two Committees abovementioned, are in effect both but one Committee for one and the ſame cauſe; The ſaids Eſtates of Parliament ordains both the ſaids Committees to keepe correſpondence one with another, and what the Committee of Eſtates ſhall require for carrying on of the Warre and Maintenance of the Armies, They ſhall doe therein as they will bee anſwerable to the Parliament, upon the truſt committed to them by their Commiſsion: But the Eſtates of Parliament declares, That neither the foreſaids two Committees ſhall have power to invert or diſpoſe upon the Fines, Rents, Forfaulters, Goods, or Moneys allotted for the entertainment of the Armie, to any other uſe whatſomever; And declares the Commiſsion abovewritten, to bee but prejudice to Sir *William Dick*, *James Stuart*, and *James Hammiltoun* of Boigs, anent their aſsignations of Borrowed Money formerly granted to them, They accepting Deputations or Precepts from the Generall Commiſſar, for uplifting of the Money contained in their aſsignations, and giving Bands to be comptable to him; But prejudice of their aſsignations as ſaid is. And it is declared that theſe of the Committee of the North being in the South, ſhall have power to ſit with the Committee there, As alſ theſe in the Committee of the South being in the North, To ſit in the Committee there.

ACT XXII.

Commiſsion to the Committee of Eſtates.

3. February 1646.

FOrſameikle as the Eſtates of Parliament now conveened in the fifth ſeſsion of this firſt Triennall Parliament, Taking to their conſideration how neceſſary it is, That a grave Committee of Eſtates ſhould bee nominate and authorized by this preſent Parliament, for ordering and governing of

this Kingdome and affaires thereof, during the not sitting of the Parliament: They doe therefore nominate, appoint, and authorise, *Alexander* Earle of Eglintoun, *William* Earle of Glencairne, *Charles* Earle of Dumfermling, *Francis* Earle of Bucleuch, *William* Earle of Lowthian, *John* Earle of Weims, *william* Earle of Dalhousie, *William* Earle of Lanerk, *John* Lord *Hay* of Yester, *Thomas* Lord Kirkcudbright, *Alexander* Lord Balcarras, and *John* Lord Barganie for the Noblemen. *John* Earle of Lowdoun High Chancellour of Scotland, *Alexander* Earle Leven Lord Generall, *John* Earle of Crawfurd-Lindsay President of the Parliament, and *James* Earle of Calender Lord Lieutenant Generall,

supernumerary in this Commission for the Noblemen. *David* Beatoun of Creich, Sir *James Foules* of Collingtoun, *James Mackerwell* of Garthland, Sir *Thomas Ruthven* of Frieland, Sir *John Hamiltoun* of Beill, Sir *James Lockart* of Ley, Sir *David Hume* of Wedderburne, Sir *Hugh Campbell* of Cesnock, M. *Alexander Bellshes* of Toftes, Sir *Gilbert Ramsay* of Balmaine, *Patrick Maxwell* of Teilling, and Sir *Thomas Ker* of Cavers for the Barrons. Sir *Alexander Gibson* of Durie Knight Clerk Register, and Sir *Adam Hepburne* of Humbie Thesaurer of the Armies, as supernumerarie for the Barrons. Sir *William Dick* of Braid Burgesse of Edinburgh, *Archbald Sedserf* Burgesse there, *Robert Arnot* Provest of Pearth, M. *Alexander Wedderburn* Clerk of Dundee, M. *Robert Forquhar* Burgesse of Aberdene, *Thomas Bruce* Burgesse of Stirling, *George Porterfield* Provest of Glasgow, *John Kennedie* Provest of Air, *Iohn Iohnstoun* Burgesse of Drumfreis, *William Glendoning* Provest of Kirkcudbright, *John Auchterlonie* Burgesse of Aberbrothick, and M. *Robert Cuninghame* Burgesse of Kinghorne for the Burrows, and *John Lepar* Provest of S. Andrews supernumerarie for the Burrows. As also, The Estates nominates, appoints, and authorises these Noblemen, Barrons, and Burrows, who are in the Commission for England, To be likewise upon this Commission with the remanent persons of the severall Estates abovenamed, To whom, or any nine of the whole Commissioners above designed, three being two of every Estate as ane *Quorum*: The saids Estates of Parliament renews, and hereby grantes the same Power, Commissions, and Warrand, In all Points, Heades, Clauses, and conditions contained in the former Commissions granted by the Parliament to the Committee of Estates, in the first and second Sessions of this first Triennall Parliament, *viz.* In the Act of Commission of the Committee of Estates, the twentie sixth of July 1644. and the eighth of March 1645. *respectivè* & conform to the tennors of the samine Acts, in every head and Article thereof; Excepting only therefrom the power and warrand contained in that Commission, granted by the Estates in this present Session of Parliament of the date hereof, to the persons therein nominat, concerning the inbringing & distributing of Moneys, the office of Excise, the fining of Delinquents, the losses of the Kingdom, & the regulating of the publike accompts & burdens therof, conform to the Commission granted hereanent, which is hereby reserved in

the full force and power thereof, to the persons, and for the ends therein specified, unprejudged hereby: And because it is necessary that there bee ane Committee appointed to attend the Scottish Armie in England, and another to attend the Scottish Army in Ireland; Therefore the Estates of Parliament do hereby nominate and appoint *Charles* Earle of Dumfermling, *William* Earle of Lowthian, *Alexander* Lord Balcarras, Sir *David Hume* of Wedderburne, Sir *Thomas Authven* of Frieland, Sir *Thomas Ker* of Cavers, *William Glendoning* Provest of Kirkcudbright, *John Johnstoun* Burgesse of Drumfreis, and *John Auchterlony* Burgesse of Aberbrothock, To be ane Committee to attend the foresaid Armie in England, and appoints the *Quorum* thereof to be promiscuous, three of the haill: As also nominates and appoints *William* Earle of Glencairne, *Thomas* Lord Kirkcudbright, Generall Major Monro, *James Mackdowell* of Garthland, *Patrick Maxwell* of New-wark, *George Porterfield* Provest of Glasgow, and *John Kennedie* Provest of Air, To be an Committee to be with the Scots Army in Ireland; And the Estates appoines the *Quorum* of that Committee to be promiscuous, *viz.* any three of the hail of that Committee: And likewise grantes power to the Committee of Estates or *Quorum* thereof, to appoint some of their own number, or others as they shall think fit, as ane Committee to attend the Armie in Scotland if they shall finde it necessar, and to appoint the *Quorum* thereof, and give to them sick power and instruction as they shall finde requisite and expediene; With power likewise to the said Committee of Estates or Quorum thereof, To give instructions to the saids Commissioners appointed for the Scots Armies in England and Ireland, as the said Committee or Quorum shall think expedient.

Item, The Estates of Parliament appoints and ordaines, That seven of every Estate of the Committee of Estates abovenamed, shall constantly reside in Scotland for the ordering of the affaires thereof, and the Quorum to be nine as said is, two being of every Estate: As also ordaines the Quorum of the saids Commissioners at the Parliament of England for Scotland to be promiscuous, *viz.* three of the haill number, consisting of foure Noblemen, three Barrons, and three Burrows, contained in the Commission formerly granted: Which the Estates hereby Ratifies, and Ordaines these Commissioners and the others upon the Committees appointed for the Scots Armies in England and Ireland, and every ane of them to have place and voice in this Committee of Estates, as they shall happen to bee present: With power also to the said Committee of Estates or Quorum thereof, or any other whom they shall appoint, To treate with such of the Rebells as they shall think fit for reclaiming them to their due obedience: And for that effect, To give full pardon, Remission, and Discharge to such as they shall think fitting, who are now in the rebellion and will quit the same, and live in time comming as becometh dutifull and loyall Subjects, of all deeds done by them in the said rebellion in relation thereto; And to restore and repone them to the possession of their Lands or Titles of Honour, not disponed or conferred

ferred before their reclaiming; and to give full assurance that the Parliament shall at their next Session rescind all Decreets or Sentences given against them, whereby they are excluded from their Honours and Dignities, and grant to them ane Act of oblivion; As also with power to the said Committee or Quorum foresaid, To doe everie thing concerning the governing and ordering of the Affaires of the Kingdome, and anent the forefaulting and processing to death of Delinquents, as the said Committee or their Quorum foresaid shall finde expedient and most usefull for the good and benefit of the publick, in the same manner, and with the same power and authority, as the Parliament might doe if they were sitting: But prejudice alwayes of the foresaid Commission for the Moneys, which is hereby reserved *ut supra*. The said Committee of Estates being answerable to the Parliament for their proceedings. And further, The Estates declares, That the hail generall Officers of the Armies are hereby priviledged to be present in the foresaid Committee, as they shall have occasion: And Ordains this Commission to endure to the next Session of Parliament.

ACT XXIII.

Act anent the charges allowed to these upon the Committees of Estates, and for the Moneys.

3. *February* 1646.

FOrsameikle as the Estates of Parliament Taking to their consideration, That the persons nominate by them To be upon the Committee of Estates, for ordering and governing of this Kingdom and affairs thereof, And those others appointed by them for inbringing and distributing of Moneys, and regulating the Compts of the common burdens of the Kingdome, Will be subject to attendance for discharge of the trust *respective*, thereby committed to them, To their prejudice in their own private affaires and businesse: Therefore the Estates of Parliament, Grants the allowance following to the saids Commissioners for their attendance upon every one to the saids two severall Committees abovespecified, the time of their sederunts in the said service, *viz.* To ilk Nobleman Monethly, three hundred merks Scots. Ilk Barron Monethly, two hundreth merks Scots. And to ilk Commissioner for Burrows, ane hundereth thirtie three merks, foure shillings, foure pennies Scots Monethly, for their charges in attendance upon the saids Committees during the time of their attendance and sederunts therein: And sicklike, the saids Estates allows to those that are upon the Committee for the Armie in England, and upon the Committee for the Armie in Ireland, and who shall attend the samine Committees *respective*, The sum of thirtie shillings Sterling for ilk Nobleman. Twenty shillings Sterling for ilk Barron. And thirteen shillings four

Pence Sterling for ilk Burrow that are to be upon the saids Committees *respective*, for their charges and expenses ilk day of their attendance in England or Ireland; And ordaines this allowance foresaid, to be compted up to those Officers of the Army that are upon thir Committees in their Monethly pay as ane part thereof: And sicklike, The saids Estates Grants the like allowance to these Commissioners that were upon the former Commission for the Moneys for their by gone attendance in that Commission, according to their sederunts, as is hereby granted to the Commissioners that are either upon the Committee of Estates or Committee for the Moneys. And further, the Estates of Parliament considering that *William Thomson* Depute to the Thesaurer of the Armie, and others his Deputes will have often occasion in respect of their charge, to bee present with the foresaids Committees of Estates, and for the Moneys; Therefore the Estates declares, that they are hereby priviledged to have accesse to the foresaids Committees, and to be present, as they have occasion at every ane of the saids Committees abovementioned.

ACT XXIV.

Ordinance anent the Quartering of Officers and Souldiers.

4. *February* 1646.

THe Estates of Parliament now conveened in the fifth Session of this first Triennall Parliament, Having heard and considered the overtures underwritten, whereof the tennor follows: The humble desire of the Burrows to the Honourable House of Parliament, 1. That they will be pleased to give warrant for discharging Quarter Masters of Regiments and all others, to Quarter any Regiments or Souldiers within Burghs, but that the Magistrates of the Burghs may have the charge thereof, because Quarter Masters takes Money and makes free whom they please, and layes heavier burthens upon others nor they are able to bear. 2. To condiscend and set down order, how, and at what rate all Officers of Regiments shall be entertained upon free Quarters within Burghs, because some are very implaceable and at extraordinary expenses to these upon whom they are Quartered, not only taking free Quarters to themselves, but to all such their Comrades whom they shall please to bring in with them, and doe enforce poore men to serve them with Wine, both at Table and extraordinary times. 3. To condiscend what of the inferiour Officers shall bee oblieged to live upon Provant as doth the Souldiers, and who shall be entertained for payment in Moneys. 4. To condiscend how many Horses is allowed upon the Officers of Foot Regiments, because some of them doe keep four or five Horse with them upon free Quarters, which doth draw to great expenses. The saids Estates ordaines the Quarterings within

Burghs

Burghs, To be as the Magistrates of the Burghs shall appoint, conform to the desire of the first Article, And also The Estates ordains and appoints the Committee for the Moneys, To condiscend on the wayes, rules, and orders, how, and at what rate all officers of Regiments shall be entertained upon free Quarters within Burghs, or in Landwart, according to the desire of the second Article, which the Estates findes just. And sicklike, The saids Estates of Parliament remites and recommends the third and fourth Articles above written as just and reasonable to the said Committee for the moneys, And ordains them to condiscend what of the inferiour Officers shall be obliged to live upon Provant, as doth the Souldiers, and who shall be entertained for payment in moneys; As also to condiscend how many horses is to be allowed upon the Officers of Foot Regiments to be kept upon free Quarters conform to the desire of the foresaid third and fourth Articles.

ACT XXV.

Anent the Recruting of the Armies.

4. February 1646.

THE Estates of Parliament now conveened in the fifth Session of this first Triennall Parliament, Having upon consideration of the continuing troubles of this Kingdom, and of the condition of their Armies, both at home, and in England; bethought themselves of the duty which in the present conjuncture of affairs they owe unto God in defence of his Truth, against all opposition, and to this Kingdom (whom they represent) the maintenance of its Lawes and Liberties, according to the Covenant, Have thought it necessary, that the Armies within this Kingdom and in England, be recruted, strengthened, and inabled, so to prosecute the Warre this ensuing Summer, as by the blessing of God upon their endeavours, the long-lasting troubles of this Kingdom may end in an happy and safe Peace; which being so much desired by all good Christians and Countrymen, The Estates of Parliament have reason to be confident of their ready & cheerfull concurrance with their persons and fortunes in the way and mean for attaining the same, whereunto also (albeit Religion were not in hazard) the Kingdomes honour so much interessed, were of it self a motive strong enough to prevail with every true Scottish heart: And therefore have statute and ordained, that any Leavies formerly appointed by warrant of the Parliament, Convention of Estates, or any Committee from them *respective*, or Run-aways from any Regiments, who have returned back to their Shires, and are now lurking in the same, be with all expedition put out and delivered to those Regiments unto which they are assigned by any Acts of Parliament, Convention, or Committee, or from which they are Run-awayes, and that there be no neglect in the due execution hereof, The saids

saids Estates Ordains the Committees of War in ilk Shire *respective*, to be carefull herein, as one of the most speciall and necessary points of the trust Committed unto them. And because the number of the saids Deficients and Runaways, wil not be sufficient to make up the ten thousand Foot, appointed to be entertained within, and for the service of this Kingdom, and also to strenghen and recrute the Armies in England, they have therefore statute and ordained, that a new levie of Foot to be laid on and raised out of the severall Shires and Burghs of this Kingdom, according to such roportions, and for the Recrutes of such Regiments as shall be contained in the List to be made up by the Committee of Estates: And because upon the speedie and effectuall execution of this Ordinance (as the only probable Humane means) so much dependeth all the honour and happinesse of this Kingdome, The Estates of Parliament have thought fitting seriously to recommend to the Committees of Warre of the severall Shires heartily and with publike spirits, over all difficulties, to adde unto the former, this new testimony of their resolutions, to persue the ends exprest in their Covenant, with their lives, fortunes, and Estates, and speedily to deliver their severall proportions of men, to such Officers of the afore said Regiments *respective*, as shall be appointed for receiving of the same from them. And further Statutes and Ordains, that the saids numbers of men appointed to be raised out of the severall Shires and Burghs, be in readinesse, and be delivered betwixt and the Tenth day of March next, to such Officers as shall be appointed by the Colonels *respective* foresaids for receiving of the same. And that betwixt and the said Tenth day of March, the Committees of Warre of the severall Shires, shall send some of their own number, fully instructed, to give an accompt of their diligence, both in putting out this new Levy, and their former Deficients, unto the Committeee of Estates.

ACT XXVI.

Anent the forefalting of the Lands and estate of these who refuse to pay their Fives.

4. *February* 1646.

THe Estates of Parliament now conveened, in the fifth Session of this first Triennall Parliament, Gives full power and warrand to the Committee for the Moneys of Quorum thereof, upon refusall to pay the fines imposed already, or to be imposed upon any person, who in the rigour of Law might have been punished in life for Acts of malignancie, and now falls within the compasse of the first or second classe, to forfit their Lands and estates or any part thereof, as the said Committee or their Quorum shall think fitting, and not their lives.

ACT XXVII.

ACT XXVII.

SALVO JURE CUJUS LIBET.

4. February 1646.

THE Estates of Parliament now conveened in the fifth Session of this first Triennall Parliament, Considering that in this present Session of Parliament, there are some particular Acts and Acts of Ratifications made in favours of particular Persons, which may bee prejudiciall to the parties having interest, and not heard; Albeit the meaning of the Estatets bee at this time, as it was ever in all preceding Parliaments, That by no particular Act, or Act of Ratification granted to any particular Person, Any other parties should bee hurt or prejudged of their lawfull rights and defences competent to them of the law: For remeed whereof, It is statute and Ordained, That no Ratification, or other particular Act whatsomever made in favors of any particular Person, in this present Session of Parliament, be prejudiciall to any other parties Rights or Defences, competent to them of the Law; But that the saids particular Acts, and Acts of Ratification made in favours of particular parties be alwayes understood, *Salvo jure cujuslibet.*

ACT XXVIII.

Act of continuation of the Parliament to the first Tuesday of November 1646.

4. February 1646.

THE Estates of Parliament now conveened in the fifth Session of this first Triennall Parliament, Continues this present Parliament and all matters belonging thereto (which are not committed or remitted *respective* to the Committee of Estates of Parliament, or to other Commissions granted in this Session of Parliament) while the first Tuesday of November next to come; At which day, or sooner, as the Committee of Estates or Quorum thereof shall appoint, Ordains the haill Estates to be present, and to attend at Edinburgh, or where it shall happen the Committee of Estates to appoint the Parliament to bee holden for the time; With power likewise to the Committee of Estates, To conveen the Parliament sooner if they think fitting, and to appoint any other place at that time if they find the same expedient: And in the meane time, The Estates declares this present Parliament currant to the day foresaid; And ordains the haill Acts and Statutes make and concluded in this Session of Parliament, To stand, and have the force and strength

ſtrength of Acts of Parliament, conforme to the tenors thereof, ſicklike, as any Acts and Statutes of any preceding Parliaments in any time bygone: And ordains publike Proclamation to be made hereof, at the Market Croſſe of S. Andrews by ſound of Trumpet. And the Eſtates continues the Excile, and ordaines the Act alreadie made, to ſtand and endure till the firſt day of November next, conform to the Acts already made thereanent: And alſo ordains the Lords of Seſſion, to conveene and ſit down in Seſſion for Adminiſtration of juſtice to the lieges, the firſt day of June next to come, and to continue at the ordinary times appointed for the ſitting of the Seſſion at Edinburgh, while they be diſcharged by Parliament, Committee of Parliament, or Counſell.

Collected Viſied, and Extracted forth of the Bookes and Regiſter of the Acts of Parliament by me Sir Alexander Gibſone *of Durie Knight, Clerk of his Majeſties Counſell, Regiſter, and Rolls, Vnder my Signe and ſubſcription Manuall.*

Alex. Gibſone Cler. Regiſtri.

The Table of the Printed Acts done in the second Session of the first Triennall Parliament of our Soveraigne Lord King *Charles*, &c. Holden at *Edinburgh*, Beginning the 7. of January 1645. and ending the 8. of March 1645.

7. January 1645. *Act ordaining the Earle of Lauderdale to continue President during this Parliament.* 1

10. Jan. *Act anent the election of the Earle of Crawfurd to be President of this Parliament in place of the umwhile Earle of Lauderdale.* 2

Ibid. Ian. *Act anent the Deficients and runaways.* Ib.

Vlt. Ian. *Act anent the Excise and collecting thereof.* 4

1. Febr. *Commission for the Exchequer.* 7

Act anent the inbringing of the Loane and Taxt. 10

22. Febr. *Act discharging the Printing or Reprinting of some Books.* 11

13. Febr. *Act for Printing of the Warning from the Generall Assembly.* 12

20. Febr. *Act anent the selling of Forefault lands, and payment of the Forefaulted persons their creditors.* Ib.

22. Febr. *Act anent the allowing of Quarters where the Quarter-Masters and Officers tickets are not given.* 17

27. Febr. *Act anent the Monethly Maintenance for the Armies.* Ib.

28. Febr. *Act for reliefe of the Commissioners of Shires and Burrows anent the payment of the first Moneths Maintenance undertaken by them.* 23

1. March *Act of assurance to these that buyes forefaulted lands.* 24

3. March *Act in favours of Manufactories, and of the Masters and actuall workers thereintill.* 25

6. March *Act anent the putting the Kingdom in a posture of War for defence.* 26

8. March *Commission to the Committee of Estates of Parliament.* 29

Commission for inbringing and distributing of Moneys and regulating of the publick accounts and burdens of the Kingdom. 35

Act anent the defeasance for burnt and wasted lands. 38

Act Salvo jure cujuslibet. 39

Act continuing the Parliament to the second Tuesday of July 1645. 40

The Table of the Printed Acts done in the third Session of the aforesaid first Triennall Parliament holden at Stirling, Beginning the 8. of July 1645, And ending the 11. day thereof.

8. July 1645. *Act anent the outputting of Forces for the present necessity.* 41

10. July *Act renewing and prorogating the Commissions to the Committee of Estates and Committee for inbringing and distributing of moneys.* 43

Act restraining any to go out of the Countrey without licence. Ib.

11. July *Act continuing the Parl. to 24. July instant to be holden at Pearth.* 44

The Table of the Printed Acts done in the fourth Session of the first Triennall Parliament holden at Pearth, Beginning the 24. of July 1645. And ending the seventh of August 1645.

29. July 1645. *Act against these who goes away from the Army.* 45

5. August *Act of approbation, and for publishing and practising of the Directory for publike Worship.* 46

Act for punishing and fining of these who have not kept the Randezons. Ib.

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5. August *Act for managing the war.* 47
Act anent the attendance of the Officers of the Army. Ib.
Act for the new Recruit and division thereof. 48
Act for Retention of the three Moneths Maintenance for payment of the Quarterings. 49
7. August *Act against swearing, drinking, and mocking of Piety.* 50
Act anent the uplifting of the pecuniall pains. 51
Act prorogating the Act of Maintenance. 52
Act anent the present Recruits. 53
Act prorogating the Committees of Estates, Moneys, Exchequer, & Excise. Ib.
Act anent the crying up of the Moneys. 54
Act against the ingoers to the Rebels. 55
Act Salvo jure cujuslibet. 56
Act continuing the Parliament to the last Wednesday of Novem. 1645. Ib.

The Table of the Printed Acts done in the fifth Session of the aforelaid first Triennall Parliament holden at S. Andrews Beginning November 26. 1645, And ending February 4. 1646.

18. December 1645. *Act anent the training and arming the fourth man.* 57
Act in favours of the Officers of the Regiments against the Resetters of Runawayes. 58
Act anent the Forces to be imployed in Garisons and in the Fields for the publike service. 59
26. Decem. *Act for Printing and publishing of the Declaration of the Commissioners of the Generall Assembly.* 60
8. January *Act anent the Classes of Delinquents.* Ib.
15. January *Act anent the fining of appeirand heires.* 64
22. January *Act in favours of the Coal and Salt Masters.* Ib.
Act discharging Officers and Souldiers to exact Monyes, they getting free Quarters. 65
27. Ian. *Act anent the monethly Maintenance for the space of 8 moneths.* 66
Act anent Quarterings and payment thereof. 69
Ult. Ian. *Act anent personall and reall execution against Delinquents.* 71
2. Febr. *Act for the Committees of War of the severall Shires.* 74
Act discharging the Printing of any thing concerning Religion or the State without Licence. 78
Act prorogating the Commission to the Exchequer. Ib.
Act against keeping of Fairs on Saterday and Monday. Ib.
Act anent non-Covenanting Patrones. 84
Act anent Schooles. Ib.
Act discharging Lyke-wakes. 85
Act discharging the Printing of Books, Chronicles or Libels without licence. Ib.
3. Febr. *Commission for the Losses.* 86
Commission for the Moneys, Excise, and Processe against Malignants and Delinquents. 88
Act anent the Committee of Estates. 94
Act anent the charges allowed to these upon the Committees of Estate, and for the Moneys. 97
4. Febr. *Ordinance anent Quartering of Officers and Souldiers.* 98
Act anent the Recruting of the Armies. 99
Act for forfaulting of the lands and estates of these that pay not their fines. 100
Act Salvo jure cujuslibet. 101
Act continuing the Parliament to the first Tuesday of November 1646. Ibid.

The

The Table of the speciall unprinted Acts and Ratifications past in the second, third, fourth, and fifth Sessions of the first Triennall Parliament, beginning the seventh of Jan. 1545. and ending the fourth of February, 1646. Holden at Edinburgh, Stirling, Perth, and St. Andrews.

Follows the Acts done in the second Session at Edinburgh.

Act appointing the President of Parliament to be president and Supernumerary in all Committees.
Commission to the Committee anent borrowing of money and Malignants rents.
Commission for discussing the relievance, and receiving of probation of the summonds and dittayes against Delinquents.
Act of approbation to the delegat Committee in the first Session of this Parliament.
Commission for assisting Lieutenant Generall Bailly.
Decreet of forfaulter against the Earle of Monrose and his assistants, for their invasion in the South.
Decreet of forfaulter against Montrose and his assistants, for the invasion in the North.
Act anent the Delinquents at Newcastle,
Act for transplanting of the Kirk of Kirkmabrek.
Approbation to the Sheriffe of Teviotdail.
Approbation to the Marques of Argyle.
Act anent the Sheriffe and Sheriffe Clerk of Air.
Act anent the erection of a new Kirk for the landward Parochine of Saint Andrews.
Commission for the Lady Alexander, and remanent creditors of the Earle of Stirling.
Act of approbation to the Lord of Burghly, and remanent Committee for the North.
Decreet of forfaulter against the Earle of Carnwath.
Commission to Sir John Hurrey.
Commission to Lieutenant Generall Bailly.
Commission in favours of Robert Keith Writer.
Act to the Lord Humbie for collection of monethly maintenance.
Act anent of James Stewarts pardon anent the slaughter of the Lord Kilpont.
Commission of Lieutenant Generall Baillies commission.
Act of approbation of the Lord Humbies acts.
Act anent of the Act of Counsel, for apprehending and detaining of Coif Mackgillespick, and
Commission to Sir James Lumsden of his Commission to be governour of Newcastle.
Pardon of Sir William Dick.
Pardons of the Marques of Argyle,
Decreet of forfaulter against the Marq. of Huntly.
Act of Parliament against the E. of Traquair.

Act anent the 31000 sterling due to the Scots Army in England.
Commission for the University of Aberdene.
Act in favours of the Committee of War of the sheriffedom of Berwick.
Act anent the answer of the Estates to the Remonstrance of the Commissioners of the Gerall Assembly.
Approbation to the Proqutors and Agent for the Estates.
Act in favours of Generall Major David Lesly to to be Lieuetenant Generall of the Horse.
Act anent the remitting of Bils and supplications.
Act anent the erection of the Kirk of Carfearn.
Answer of Parliament to the Papers given in by the English Commissioners.
Ratification in favours of the Principall and second Ministers at Paisley.
Ratification in favours of the Earle of Leaven.
Ratification in favours of Dayid Mackullok of Guthers.
Ratification in favours of the Lord Kirkcudbright.
Ratification in favours of the Laird of Barns.
Ratification in favours of Sir Androw Fletcher of Innerpeffer.
2. Ratifications in favours of Sir William Nizbet of Deane.
Ratification in favours of Master Robert Bruce Advocate.
Ratification in favours of John Halyburtoun.
Ratification in favours of Alexander Maxwell of Dechmont.
Ratification in favours of the Burgh of Elgin.
2. Ratifications in favours of Mr. James Durhame of Pitkerro.
Ratification in favours of the Earle of Cassils.
Ratification in favours of George Home Fier of Wedderburn.
Ratification in favours of Alexander Stuart.
Protestation thereagainst.
Ratification in favours of Daniel Carmichael.
Ratification in favors Sr. John Vaitch of Dawick.
Rat. in favours of Maxwel of Orchzeardtoun.
Ratification in favours of Florence Jamison.
Protestation thereagainst.
Ratification in favours of Patrick Vaitch.
Ratificat. in favors of Mr. David Drummond.
Ratificat. in favours of the Marques of Argyle.
Ratific. in favours of John Forbes of Lesly.

Follows

Follows the Acts done in the third Session at Stirling.

ACt continuing the Earle of Crawford President of Parliament.
Act of approbation to Lieut. Generall Baillie.
Commission to the Committee with the Army at Perth.
Act in favours of the Marques of Argyle,

Follows the Acts done in the fourth Session at Perth.

ACt of approbation to the Earl of Lowdoun Chancellour.
Act of approbation to Lieut. Generall Baillie.
Act in favours of the shirifdome of Lanerk.
Commission for treating with the English Commissioners.
Commiss. Earle Marshel for Malignants rents.
Commiss. Earle of Findlater for Malignants rents.
Commission Vicount of Frendraught, and Lord

Follows the Acts done in the fifth Session at S. Andrews.

COmmission for the proceile.
Commission for tryall the Earl of Tullibardan and his friends, and tenants their losses.
Commission to Sir Robert Drummond.
Commission to the Provest and Baillies of Tayn.
Committee anent the losses.
2. Commission anent the prisoners in Jedburgh and Selkirk.
Act in favours of the Marques of Argyle for an high-land Regiment.
Ordinance for putting Garisons in certain houses for the high-land Regiment.
Act in favours of the Lords of Session.
Answer of Parli. to the remonstrance of the Kirk.
Act of exoneration and approbation to the Lord Humby of his accompts.
Commission to the Lord Generall and others, anent New-wark of Trent.
Act in favours of the Town of Dundie.
Act in favours of Archbald Hay.
4. Decreets of Forefaulter against Sr. Robert Spotiswood, Nathaniel Gordon, VVilliam Murray, and Mr. Andrew Guthree.
Commission for trying Bessie Cannan.
Commission for visiting the Universities of Aberdeine.
Decreet Earle of Lanerk contra the Lairds of Lamyngtoun and Lag.
Act in favours of the Lords Mongomery, Levingstoun, and Sinclare.
Act and ratification in favours of Master James Baird Advocat.
Approbation in favours of Lieuetenant Generall Bailie.
Commission for trying of Robert Forrester.
Act in favours of the Earle of Marshell.
Act in favours of these who have suffered for the publike.
Act in favours of the Town of Dundie.
Act anent the Northern businesse.
Act of approbation to Generall Major
of Boyn for Malignants rents.
Commission Lord Fraser for Malignants
Commiss. Earle of Errol for Malignants
Ratification of the Act of the Commons in favours of the house of the Lawers.
Act in fav. of the Parishoners of Sr. A
Ratification in favours of the Earl of
Ratification in favours of the Laird of
Ratification in favours of John Mak
Act anent the Commissar Clerk of VV
Act in favours of the University of S
Overtures for the Kirk, and Ordinament thereanent,
Act anent the Sheriffe of Berwick.
Commission for tryall of the losses in the shirifdome of Aberdene.
Instructions to the Commissioners
2. Commissions in favors of Gen
Act anent the advancement of an
tenance by the Shires and Burg
Commission to Generall Major
Overtures concerning the Genera
Decreet Master John VVilliamson
bald Moodie.
Commission for an new valuation
of Aberdene.
Ordinance anent the overturs for
Act in favours of the University of
& anent the Creditors of S. Robert
Instructions to the Marques of A
thers for Ireland.
Act of exoneration to the Procutors
for the Estate.
Ratification to the Earle of Crawford
Ratification to the Lord Forrester.
Ratification to Mr. Robert Bruce Min.
Ratification to Hugh Lindsay,
Ratification to Patrick Lentron.
Ratification to John Dickson of Hairs
Ratification to the Lord Pitligo.
Ratification to James Allan.
Ratification of the Act and Proclam
Manufactories.
Ratification in favours of the Lady N

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